







Digitized by the Internet Archive  
in 2022 with funding from  
University of Toronto

<https://archive.org/details/31761115485252>







Statutes  
Ont-

Ontario, Statutes

438

# STATUTES

102

OF THE

## PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

FIFTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

### QUEEN VICTORIA,

Being the Second Session of the Sixth Legislature of Ontario.

BEGUN AND HOLDEN AT TORONTO, ON THE TWENTY-FIFTH DAY OF JANUARY, IN THE YEAR OF  
OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-EIGHT.

1888



13618

---

HIS HONOUR  
SIR ALEXANDER CAMPBELL, K.C.M.G.,  
LIEUTENANT-GOVERNOR.

---

**Toronto :**  
PRINTED BY JOHN NOTMAN,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
1888.



PRINTED AND BOUND BY  
**WARWICK & SONS,**  
TORONTO.

13618





## 51 VICTORIA.

### CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-eight, and for other purposes therein mentioned.

*[Assented to March 23rd, 1888.]*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Preamble.  
Honourable Sir Alexander Campbell, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-eight ; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million two hundred and five thousand eight hundred and four dollars and twelve cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-eight as set forth in schedule A to this Act ; and for the expenses of Legislation, Public Institutions' Maintenance, and salaries of the

\$3,205,804.12  
granted out of  
the Consol-  
idated Revenue  
Fund for cer-  
tain purposes.

the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-nine, as set forth in schedule B to this Act.

Accounts to be  
laid before the  
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended  
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-eight, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account-  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

---

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-eight, and the purposes for which they are granted.

CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

|   |             |              |
|---|-------------|--------------|
| Government House .....                                | \$ 1,850 00 |              |
| Lieutenant-Governor's Office .....                    | 3,980 00    |              |
| Executive Council and Attorney-General's Office ..... | 16,560 00   |              |
| Education Department .....                            | 21,400 00   |              |
| Crown Lands Department.....                           | 49,750 00   |              |
| Department of Public Works .....                      | 18,400 00   |              |
| Treasury Department .....                             | 19,975 00   |              |
| Department of Agriculture .....                       | 3,500 00    |              |
| Secretary and Registrar's Department.....             | 34,855 00   |              |
| Department of Immigration .....                       | 1,600 00    |              |
| Inspection of Public Institutions .....               | 9,400 00    |              |
| Provincial Board of Health .....                      | 6,975 00    |              |
| Miscellaneous .....                                   | 10,500 00   |              |
|   | <hr/>       | \$198,745 00 |

LEGISLATION.

To defray expenses of Legislation..... \$122,050 00

ADMINISTRATION



## ADMINISTRATION OF JUSTICE.

To defray expenses of:—

|  |             |              |
|--|-------------|--------------|
| Supreme Court of Judicature .....              | \$54,853 00 |              |
| Miscellaneous Criminal and Civil Justice ..... | 290,580 60  |              |
| Surrogate Judges and Local Masters.....        | 21,043 00   |              |
|  | <hr/>       | \$366,476 60 |

## EDUCATION.

To defray expenses of:—

|  |              |              |
|--|--------------|--------------|
| Public and Separate Schools.....                                       | \$240,000 00 |              |
| Schools in New and Poor Townships.. ..                                 | 25,000 00    |              |
| Model Schools .....  | 8,700 00     |              |
| Teachers' Institutes.....  | 2,000 00     |              |
| High Schools and Collegiate Institutes.....                            | 92,100 00    |              |
| Training Institutes.....   | 2,100 00     |              |
| Inspection of Normal, High, Model, Public and<br>Separate Schools..... | 51,203 00    |              |
| Departmental Examinations .....  | 11,380 00    |              |
| Normal and Model Schools, Toronto.....                                 | 19,750 00    |              |
| Normal School, Ottawa.....   | 20,035 00    |              |
| Museum and Library.....  | 4,250 00     |              |
| School of Practical Science.....                                       | 7,594 00     |              |
| Mechanics' Institutes, Art Schools, Literary and<br>Scientific .....   | 36,500 00    |              |
| Miscellaneous .....  | 2,500 00     |              |
| Superannuated Teachers.....  | 58,300 00    |              |
|  | <hr/>        | \$581,412 00 |

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

|  |              |            |
|--|--------------|------------|
| Asylum for the Insane, Toronto.....              | \$103,753 00 |            |
| Asylum for the Insane, London .....              | 122,542 00   |            |
| Asylum for the Insane, Kingston.....             | 86,911 00    |            |
| Asylum for the Insane, Hamilton.....             | 102,820 00   |            |
| Asylum for the Insane, Orillia .....             | 48,701 00    |            |
| Central Prison, Toronto .....                    | 92,025 00    |            |
| Provincial Reformatory, Penetanguishene.....     | 43,360 00    |            |
| Institution for the Deaf and Dumb, Belleville... | 40,350 50    |            |
| Institution for the Blind, Brantford.....        | 34,226 00    |            |
| Mercer Reformatory for Females .....             | 30,976 00    |            |
|  | <hr/>        | 705,664 50 |

## IMMIGRATION.

|  |          |
|--|----------|
| To defray expenses of a grant in aid of Immigration..... | 8,000 00 |
|--|----------|

## AGRICULTURE.

|  |            |
|--|------------|
| To defray expenses of a grant in aid of Agriculture..... | 141,931 00 |
|--|------------|

HOSPITALS

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and  
Charities.....\$113,686 14

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

|   |             |
|---|-------------|
| Government House.....                               | \$ 8,174 00 |
| Parliament Buildings:—                              |             |
| Main Buildings .....                                | 10,374 26   |
| West Wing .....                                     | 3,274 20    |
| East Wing .....                                     | 4,524 20    |
| Education Department (Normal School Building) ..... | 8,700 00    |
| Rented premises, Wellington Street.....             | 2,900 00    |
| Rented premises, Simcoe Street .....                | 2,760 00    |
| Miscellaneous .....                                 | 3,042 00    |
| Normal School, Ottawa .....                         | 3,350 00    |
| School of Practical Science .....                   | 1,200 00    |
| Agricultural College.....                           | 6,000 00    |
| Agricultural Hall .....                             | 500 00      |
| Osgoode Hall .....                                  | 9,377 77    |

---

64,176 43

## PUBLIC BUILDINGS.

|   |           |
|---|-----------|
| Asylum for the Insane, Toronto .....          | 63,990 60 |
| Asylum for the Insane, London .....           | 54,387 00 |
| Asylum for the Insane, Hamilton.....          | 86,229 39 |
| Asylum for the Insane, Kingston.....          | 8,600 00  |
| do Regiopolis Branch.....                     | 200 00    |
| Asylum for Idiots, Orillia.....               | 84,632 21 |
| Reformatory, Penetanguishene.....             | 8,565 00  |
| Reformatory for Females, Toronto .....        | 3,769 50  |
| Central Prison, Toronto.....                  | 2,400 00  |
| Deaf and Dumb Institute, Belleville.....      | 5,152 00  |
| Blind Institute, Brantford.....               | 2,536 50  |
| Agricultural College, Guelph .....            | 7,150 00  |
| Normal School and Education Depart't, Toronto | 24,300 00 |
| Normal School, Ottawa.....                    | 2,800 00  |
| School of Practical Science, Toronto .....    | 2,000 00  |
| Osgoode Hall, Toronto .....                   | 2,000 00  |
| Government House, Toronto.....                | 3,000 00  |
| Parliament Buildings.....                     | 2,000 00  |
| District of Algoma.....                       | 6,450 00  |
| Thunder Bay District .....                    | 1,800 00  |
| Rainy River District.....                     | 1,300 00  |
| Muskoka District .....                        | 500 00    |
| Parry Sound District.....                     | 500 00    |
| Nipissing District .....                      | 8,500 00  |
| Miscellaneous .....                           | 300 00    |

---

383,062 20  
PUBLIC



## PUBLIC WORKS.

|  |           |
|--|-----------|
| To defray expenses of Public Works ..... | 50,496 00 |
|--|-----------|

## COLONIZATION ROADS.

|  |            |
|--|------------|
| To defray expenses of Construction and Repairs ..... | 106,650 00 |
|--|------------|

## CHARGES ON CROWN LANDS.

|  |            |
|--|------------|
| To defray expenses on account of Crown Lands ..... | 101,900 00 |
|--|------------|

## REFUNDS.

|                            |           |           |
|----------------------------|-----------|-----------|
| Education.....             | 3,000 00  |           |
| Crown Lands.....           | 16,500 00 |           |
| Municipalities Fund.....   | 4,834 51  |           |
| Land Improvement Fund..... | 3,619 74  |           |
|                            | <hr/>     | 27,954 25 |

## STATUTE CONSOLIDATION.

|  |           |
|--|-----------|
| To defray expenses of consolidation of Statutes..... | 21,500 00 |
|--|-----------|

## MISCELLANEOUS EXPENDITURE.

|   |           |
|---|-----------|
| To defray Miscellaneous Expenditure ..... | 82,100 00 |
|---|-----------|

## UNFORESEEN AND UNPROVIDED.

|   |           |
|---|-----------|
| To defray unforeseen and unprovided expenses..... | 50,000 00 |
|---|-----------|

|  |                    |
|--|--------------------|
| Total estimates for expenditure of 1888..... | <hr/> 3,125,804 12 |
|--|--------------------|

## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-nine, and the purposes for which it is granted.

|   |           |
|---|-----------|
| To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1889..... | 80,000 00 |
|---|-----------|

|            |                      |
|------------|----------------------|
| Total..... | <hr/> \$3,205,804 12 |
|------------|----------------------|

## CHAPTER 2.

## An Act respecting the Revised Statutes of Ontario 1887.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Revised Statutes 1887 declared in force from 31st December, 1887.

1. The Revised Statutes of Ontario, as printed by the Queen's Printer, and declared by proclamation of the Lieutenant-Governor in Council, dated the twentieth day of December last past, to come into force on, from and after the thirty-first day of December last past, have been on, from and after said day, and shall hereafter be in force in this Province, to all intents and purposes as though the same were expressly embodied in, and enacted by, this Act, to come into force and have effect on, from and after said day, subject, however, to the provisions of section 9 and following sections of the Act, chapter two of the Acts passed by the Legislature of this Province in the fiftieth year of Her Majesty's reign, intituled *An Act respecting the Revised Statutes of Ontario 1887*, and to the Acts passed in the present session of the Legislature.

Acts in Schedule A to Revised Statutes to be repealed with certain exceptions.

2. On, from and after the said thirty-first day of December last past, all the enactments in the several Acts and parts of Acts in the Schedule A to the said Revised Statutes mentioned, so far as they relate to this Province, have been and shall remain repealed to the extent mentioned in the third column of said Schedule A, save only as is provided in sections 6, 7 and 8 of the said Act, intituled *An Act respecting the Revised Statutes of Ontario 1887*, and save as provided in any Acts passed during the present session of the Legislature.

Judicial construction placed on statutes not adopted.

3. The Legislature is not by reason of the passing of this Act or of the Act passed in the fiftieth year of Her Majesty's reign, intituled *An Act respecting the Revised Statutes of Ontario 1887*, to be deemed to have adopted the construction which may, by judicial decision or otherwise, have been placed upon the language of any of the statutes included amongst the Revised Statutes.

Consolidated rules confirmed.

4. And whereas, the statutory proceedings relating to practice and procedure and the General Orders and Rules of Court have been consolidated and revised by the Judges of the Supreme Court of Judicature for Ontario, and most of the said statutory provisions have in consequence been omitted from the said Revised Statutes, the said Consolidated and Revised Rules



Rules of the said Judges, are hereby confirmed and declared to have the same force and effect as if the same were herein repeated and enacted, (and all inconsistent enactments in the said Revised Statutes are hereby repealed), except in any respects in which the said Rules may have been varied by statutes passed during the present session of this Legislature, and which said Consolidated Rules, or such Rules as so varied shall, like other Rules of the said Judges, be subject to be annulled or altered from time to time by new Rules of Court made under the authority of *The Judicature Act*.

### CHAPTER 3.

#### An Act respecting arbitration with the Province of Quebec.

[Assented to 23rd March, 1888.]

**W**HEREAS questions have arisen between the Govern- Preamble.  
ments of Ontario and Quebec upon the construction and effect of the award made on the 3rd of September, 1870, in pursuance of section 142 of *The British North America Act, 1867*, relating to the claim of Ontario on behalf of the municipalities to the Upper Canada Improvement Fund, in respect of collections from sales of crown lands before Confederation; and also, to the period or periods from which Ontario, under section 9 of the award, is liable to account for moneys received from school lands since the 30th of June, 1867;

And whereas the two Provincial Governments have agreed to settle these matters and any others by arbitration;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the final and conclusive determination of the questions above set forth, and all or any other questions between the Provinces of Ontario and Quebec, the Lieutenant-Governor in Council may unite with the Government of Quebec in the appointment of three arbitrators, to whom the said matters shall stand referred, and the order of the proceedings and all questions, including the final award, shall be decided by a majority of the arbitrators. Reference of matters in dispute.

2. The arbitrators shall have all the powers which, by the law of each or either of the said Provinces, arbitrators possess in the case of references by private persons. Powers of arbitrators.

3. The appointment by Order-in-Council, and the award in writing made in pursuance thereof, shall bind this Province and the municipalities thereof. Award to be binding.

Time for making award limited.

4. The award in writing shall be made within three months after the said appointment.

Case of death, etc., of arbitrator provided for.

5. In case of the death, absence or incapacity of any arbitrator, or in the event of any arbitrator omitting, or declining or ceasing to act, the Lieutenant-Governor-in-Council may unite with the Government of Quebec in filling any vacancy for any of the causes aforesaid ; and the period of making the award in case of such substitution shall be calculated from the date of the appointment of the arbitrator to fill the vacancy.

## CHAPTER 4.

An Act to establish Manhood Suffrage for the Legislative Assembly.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Manhood Suffrage Act*," and shall go into force on the 1st of January, 1889.

Property qualification abolished.

2. Property or income qualification for voters as respects the Legislative Assembly is abolished, except as hereinafter provided.

Who may vote at elections.

Rev. Stat. c. 9.

3. Every male person of the full age of twenty-one years, a subject of Her Majesty by birth or naturalization, and not disqualified under sections 4 and 5 of *The Ontario Election Act*, or under this Act, and not otherwise by law prohibited from voting, shall, if duly entered on the list of voters proper to be used, be entitled to vote at elections to serve in the Legislative Assembly of this Province :

Proviso.

Provided that such person had resided within the Province for the nine months next preceding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which he is entitled to be entered as a person qualified to vote, or had so resided within the Province for the twelve months next preceding the time up to which a complaint may be made to the County Judge, under *The Voters' Lists Act*, or this Act, to insert the name of such person in the list :

Rev. Stat. c. 8.

Proviso.

And provided that such person was in good faith at the time fixed as aforesaid, a resident of, and domiciled in, the municipality in the list of which he is entered, and is, at the

the time of tendering his vote, a resident of and domiciled within the electoral district, and had resided in the said electoral district continuously from the time fixed as aforesaid for beginning to make said roll or for making such complaint, as the case may be.

4. A person may be resident in the municipality within the meaning of this Act, notwithstanding occasional or temporary absence in the prosecution of his occupation as a lumberman, mariner, or fisherman, or attendance as a student in an institution of learning in the Dominion of Canada; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll or voter's list as a qualified voter, or to vote. Temporary absence not to disqualify.

5. No person shall be entitled to be marked or entered by the assessor as a qualified voter as hereinafter mentioned, or shall be entered on a list of voters, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university or other institution of learning, unless he has no other place of residence entitling him to vote. Students at college, etc.

6. No person shall be entitled to be marked by the assessor as qualified, or shall be entered on a list of voters, or shall vote, who at the time of marking or entering or voting (as the case may be) is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poor house or house of industry, or as an inmate receiving charitable support or care in a charitable institution receiving aid from the Province under any statute in that behalf. Disqualifications.

7.—(1) Enfranchised Indians, whether of whole or part Indian blood, shall, like other persons, be entitled to vote without having a property qualification. Indians.

(2) Unenfranchised Indians, of whole or part Indian blood, not residing among Indians or on an Indian reserve, shall, in lieu of legal enfranchisement, have the same property qualification as heretofore in order to entitle them to vote.

(3) Unenfranchised Indians, of whole or part Indian blood, residing among Indians, or on an Indian reserve, shall not be entitled to vote.

8. The same property and other qualifications as heretofore are continued with respect to voters in such of the municipalities, townships, and places in the Electoral Districts of Algoma East, Algoma West, East Victoria, North Hastings, North Renfrew, South Renfrew, Muskoka and Parry Sound as shall from time to time have no assessment roll or voters list. Qualification where there is no assessment roll or voters' list.



Who may be placed on assessment roll as voters.

9.—(1) The assessor shall place on the assessment roll, as qualified to be a voter, the name of every male person who delivers or causes to be delivered to the assessor, an affidavit signed by such person in the form or to the effect set forth in Form "A" appended hereto, if the facts stated are such as entitle such person to be placed thereon.

(2) The affidavit may be made before any assessor or Justice of the Peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit.

Enquiries to be made by assessor.

10. The assessor shall also make reasonable enquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the roll as qualified to be voters under this Act, and shall place such persons on the roll as qualified to be voters without the affidavit.

Entry by assessor under Rev. Stat. c. 193, s. 14.

11.—(1) Opposite the name of every person qualified to be a voter, the assessor shall in column 4 (mentioned in section 14 of *The Assessment Act* and (in addition to the letters, if any, required to shew the qualification of such person in respect of municipal elections) write in capitals the letters M. F., meaning thereby, "Manhood Franchise," and shall number all such names.

(2) Opposite every such name the assessor shall also in column 8, mentioned in section 14 of *The Assessment Act*, enter

(a) In the assessment roll of a city, town, or village, the residence of such person by the number thereof (if any), and the street or locality whereon or wherein the same is situate;

(b) In the assessment roll of a township the concession wherein, and the lot or part of a lot whereon, such person resides;

and in all cases, any additional description, as to locality or otherwise, which may be reasonably necessary to enable the residence to be ascertained and verified.

Affidavit by assessor.

12. The assessor shall, at the foot of his assessment roll, after he has completed the same, make affidavit before a Justice of the Peace in the words, or to the effect following:—

"I have not entered any name in the above roll, or improperly placed any letter or letters in column 4 opposite any name, with intent to give to any person not entitled to vote, a right of voting.

"I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person any letter or letters which I ought to have placed there."

**13.**—(1) Complaints of persons having been wrongfully entered on the roll as qualified to be voters or of persons not having been entered thereon as qualified to be voters, who should have been so entered, may by any person entitled to be a voter or to be entered on the voters' list in the municipality or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments, or the complaints may be made to the County Judge under *The Voters' Lists Act*. Complaints respecting list.

(2) Any person who since the day upon which by statute or by by-law the assessment roll is returnable to the clerk and before the time for appealing against the voters' list or of giving notice of application to the Judge to have the names of persons entered upon the voters' list under *The Voters' Lists Act* shall have expired, has become possessed of the qualifications entitling him to vote, shall be entitled to give, or any person whose name is on the list or who has the qualification entitling him to have his name entered thereupon, may give the requisite notice or make application to the Judge to have the name of such first-mentioned person entered upon the voters' list. Rev. Stat. c.8.

**14.** The voters' list prepared under this Act for any municipality, after being certified by the Judge, shall be used at any election thereafter in such municipality for a member of the Legislative Assembly; and in case of a municipality for which there is no such voters' list under this Act capable of being used at such election, the voters' list heretofore provided for shall be used. List when certified to be used at elections thereafter.

**15.**—(1) Every person who, at an election, applies for a ballot-paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at an election, applies at the same election for a ballot-paper in his own name shall, on conviction thereof, be liable to imprisonment for a term not exceeding two years with hard labour in addition to any other punishment to which he is liable for the offence. Penalty for personation.

This section is not to apply to a person who applies for a ballot paper, believing that he is the person intended by the name entered in the voters' list in respect of which he so applies.

(2) Every person who aids, abets, counsels, or procures the commission of any such offence, shall be liable to be indicted and punished as a principal offender.



## FORM A.

(Referred to in Section 9.)

AFFIDAVIT OF PERSON CLAIMING TO BE PLACED ON THE ROLL BY VIRTUE OF  
MANHOOD QUALIFICATION.

I, *A. B.*, make oath and say, I am a British subject and have resided in this Province for the nine months next preceding the (a) day of (a) in the present year.

I am in good faith a resident of and domiciled in (*giving name of municipality*), and now reside therein at . (*Here give the deponent's residence by the number thereof (if any) and the street or locality whereon or wherein the same is situated, if in a city, town or village. If the residence is in a township, give the concession wherein and the lot or part of the lot whereon it is situated.*)

*Here may be added the following*:—And I have not been absent, except occasionally or temporarily, in the prosecution of my occupation as a lumberman, mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, *naming the institution (as the case may be).*

That I am of the full age of 21 years (or that I shall be of the full age of 21, on the day of as the case may be), and am not disqualified from voting at elections for the Legislative Assembly of Ontario ;

Sworn before me at  
in the county of , this day of , 18 . } *A. B.*  
*C. D.,*

A Justice of the Peace (*or as the case may be*) for the above named County.

(a) The date to be inserted here in administering the oath is the day fixed by Statute (or by a by-law authorized by Statute) for the assessor to begin to make his roll.

## CHAPTER 5.

An Act respecting the Executive Administration of  
Laws of this Province.

[Assented to 23rd March, 1888.]

Preamble.

WHEREAS by section 65 of *The British North America Act, 1867*, it was provided (among other things) that all powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were before or at the union vested in or exercisable by the respective Governors or Lieutenant-Governors of those provinces should, as far as the same were capable of being exercised after the union in relation to the government of Ontario and Quebec respectively

tively, be vested in and exercised by the Lieutenant-Governor of Ontario and Quebec respectively, subject, nevertheless, to be abolished or altered by the respective Legislatures of Ontario and Quebec, except with respect to such as existed under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland;

And whereas by section 92 of the said Act, it was provided that in each province of the Dominion of Canada the legislature may exclusively make laws in relation to matters coming within the classes of subjects thereafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In matters within the jurisdiction of the Legislature of the Province, all powers, authorities and functions which, in respect of like matters, were vested in or exercisable by the Governors or Lieutenant-Governors of the several provinces now forming part of the Dominion of Canada or any of the said provinces, under commissions, instructions or otherwise, at or before the passing of the said Act are, and shall be (so far as this Legislature has power thus to enact) vested in and exercisable by the Lieutenant-Governor or Administrator for the time being of this Province, in the name of Her Majesty or otherwise as the case may require; subject always to the Royal Prerogative as heretofore.

Powers vested in Lieutenant-Governor.

2. The preceding section shall be deemed to include the power of commuting and remitting sentences for offences against the laws of this Province, or offences over which the legislative authority of the Province extends.

Power to remit sentences.

3. Nothing in this Act contained shall be construed to imply that the Lieutenant-Governor or Administrator has not had heretofore the powers, authorities and functions in the preceding two sections mentioned.

Construction of Act.

## CHAPTER 6.

### An Act to amend the Act respecting the Office of Sheriff.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The sheriff of the county of York shall have no jurisdiction within the city of Toronto, save as provided by *The Act respecting the Office of Sheriff*, or this Act.

Jurisdiction of sheriff of York in city of Toronto.



Division of duties, with reference to courts, between sheriffs of York and Toronto.

2. The sheriff of the county of York shall perform the duties pertaining to the office of sheriff with reference to the following Courts held in the city of Toronto, that is to say the Chancery Division of the High Court of Justice, the County Court of the county of York, the General Sessions of the Peace, and the County Judge's Criminal Court; and the sheriff of the city of Toronto shall perform the duties pertaining to the office of sheriff with reference to the Court of Appeal, the Queen's Bench Division of the High Court of Justice, the Court of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, or the High Court sitting in Toronto elsewhere than at Osgoode Hall.

Summoning of jurors.

3. Precepts and writs of *venire facias juratores* shall be directed to the sheriff to whom is assigned as aforesaid the Court for which the jurors are to be summoned, and the sheriff (whether of Toronto or of York), to whom any precept to summon jurors for the sittings of any Court in Toronto or any writ of *venire facias juratores*, or any like writ is addressed, shall summon the jurors necessary for such Court, and make all proclamations, and give all notices, not only from and in his own bailiwick, but also from and in the bailiwick of the other of the said sheriffs, and for these purposes the said sheriffs have equal power and authority in each other's bailiwick.

Fees and allowances in respect of services connected with courts.

4. The sheriff of the county of York shall in respect of Courts assigned to him be entitled to any fees or allowances which by statute or otherwise may be payable to sheriffs in respect of services connected with said Courts, including the removal to the Provincial Penitentiary or the Reformatory Prison of any prisoners from time to time sentenced thereto respectively by any of the said Courts; and the sheriff of the city of Toronto shall, in like manner, be entitled, in respect of the Courts hereinbefore assigned to him, to the like fees and allowances for services connected with the several said Courts.

Control of gaol.

5. So long as there is but one gaol for the city of Toronto and the county of York, the sheriff of the city shall have the control of the gaol.

Fees of sheriff of York in respect of persons committed to gaol.

6. The sheriff of the county of York shall be entitled to the fees payable to sheriffs for services relating to any prisoners or lunatics committed from the county of York outside the city of Toronto, who may be from time to time confined in said gaol or relating to any returns required to be made to the inspector of prisons and public charities in respect of any such prisoners.

Fees of sheriff of Toronto in respect of persons committed to gaol.

7. The sheriff of Toronto shall be entitled to the fees and allowances payable to sheriffs for services relating to the custody or control of the gaol, or of any city prisoners or lunatics

lunatics therein confined, or to any returns required to be made in respect of the said gaol, or of any prisoners or lunatics confined therein, except as herein otherwise provided.

8.—(1) In case any further portion of the county of York is at any time annexed to the city of Toronto, the sheriff of the county of York (or his deputy for the time being, in case the office of sheriff is vacant) is forthwith to transmit to the sheriff of Toronto a list of all executions then in his hands not theretofore so transmitted, and shall in like manner transmit to the sheriff of Toronto notice of the renewal of any such writ and of any subsequent or supplemental writ in the same cause.

Provision as  
to executions,  
if further  
Toronto.

(2) If the sheriff of Toronto, upon a search being made in his office for executions against any person, finds that there is no execution in his office against such person, but that the name of such person is included in any list so transmitted to him by the sheriff of York, he shall, upon request, give a certificate that there is no execution in his office against the person aforesaid, and for this certificate no fee shall, in such cases, be charged or payable.

9. Nothing in section 1 of *The Act respecting the Office of Sheriff*, or in this Act contained, shall be held to authorize the sheriff of the county of York to execute within the city of Toronto any writ not in his hands at the time of the passing of this Act, unless such writ depends for its priority upon a former writ executed by the sheriff of York or in his hands at the said time.

Execution of  
writs in city  
of Toronto.  
Rev. Stat. c.  
16.

10. No unsatisfied writ against lands or goods in the hands of the sheriff of York on the day of the appointment of the sheriff of the city of Toronto or any renewal thereof shall bind lands or goods situate within the limits of the city of Toronto, or have any effect upon such lands or goods after one year from the passing of this Act, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the said city, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the county of York, if it, at the said time, did bind lands or goods within the territory included in the said city, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force; provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the county of York to expire, or have otherwise lost his priority.

How writs  
against lands  
or goods in  
the city of  
Toronto may  
be continued  
in force.

## CHAPTER 7.

## An Act to give certain powers to the Commissioners of the Queen Victoria Niagara Falls Park.

[Assented to 23rd March, 1888.]

Preamble.

**W**HEREAS the official arbitrators for Ontario by their award, made on 11th June, 1887, determined the sum of \$7,500 to be the value of the whole of that portion of the gravelled or macadamized road, known as the St. Catharines, Thorold, and Niagara Falls Road, between Table Rock and a point about five miles therefrom, including the right of collecting the tolls, together with the toll-houses and appurtenances, and decided and ordered that the sum of \$4,000, part of the \$7,500 be paid by the Commissioners of the Queen Victoria Niagara Falls Park to the person or persons having the title, interest, and possessory rights to the said road, and rights appurtenant thereto, for the absolute purchase of that portion thereof within the Park; and whereas the sum of \$4,000 has been paid by the Commissioners to the said persons in accordance with the said award, and it is expedient that the sanction of the Legislature, as reserved by 50 Victoria, chapter 13, section 4, paragraph 5, be given for the payment of the residue of the value of the road as determined by the arbitrators, the proprietors being ready and willing to accept the same in satisfaction and discharge of the said valuation;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Approval of acquisition of toll road.

1. The Commissioners of the Queen Victoria Niagara Falls Park are hereby authorized to pay to the person or persons having the title, interest, and possessory rights of that portion of the above described road, and not within the Park, the sum of \$3,500, with interest thereon at the rate of five per centum per annum from the date of the award and in full discharge thereof.

Rights of proprietors of road vested in commissioners

2. On such payment being made the rights, title, possession and franchises which were held and exercised by the St. Catharines, Thorold, and Niagara Falls Road Company, or by the person or persons having the title, interest, and possessory rights thereof in respect of that portion of the road for the valuation of which the sum of \$7,500 was awarded, shall, so far as related to that portion of the said road between the Table Rock and Niagara Falls Suspension Bridge on Lot 92, of Stamford, be and the same are hereby transferred to and vested in the Commissioners of the Queen Victoria Niagara Falls Park.

3.



3. Subject to any direction of the Lieutenant-Governor the Commissioners may abolish the collection of tolls over the gravelled or macadamized road within the points above described. Tolls may be abolished.

4. In case of the collection of tolls over the said road being abolished, the Commissioners shall have power to construct and operate a street railway over the same; and may build the same to any points or lands vested in the Commissioners; and tolls on any such railway may be charged as provided by sections 8 and 9 of *The Queen Victoria Niagara Falls Park Act, 1887*. When tolls abolished, commissioners may construct street railway. 50 V. e. 13.

5. The Commissioners shall have power to expropriate, in accordance with *The Niagara Falls Park Act* and *The Act respecting Awards under The Niagara Falls Park Act*, the interests of all or any persons in any land lying between the river and the road built on the chain reservation, and vested in the Commissioners under the authority of this Act or other Acts heretofore passed. Powers of expropriation. 48 V. c. 21; 49 V. c. 9.

## CHAPTER 8.

### An Act respecting the Department of Agriculture and other Industries.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Commissioner of Agriculture shall hereafter be called Minister of Agriculture, and he shall, under that name, and subject to section 3 of *The Act respecting the Executive Council*, have the functions, duties and powers which by statute or otherwise belong to the Commissioner of Agriculture, and shall have any other functions, duties and powers which, under and subject to the provisions of the said Act, may be from time to time assigned or transferred to him by Order in Council. Minister of Agriculture. Rev. Stat. c. 13.

2. There are hereby further assigned to the Minister of Agriculture (subject as aforesaid) the functions, duties and powers of Registrar-General under *The Act respecting the registration of Births, Marriages and Deaths*. Minister to act as Registrar-General under Rev. Stat. c. 40.

3. *The Act respecting the Executive Council* is further amended so far as the same restricts the Executive Council to six members. Rev. Stat. c. 13, s. 1, amended.

## CHAPTER 9.

## An Act respecting Ancillary Probates and Letters of Administration.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Manner of giving effect to grants of probate, etc. of English or Colonial Courts.

1.—(1) Where any probate or letters of administration, or other legal document purporting to be of the same nature, granted by a Court of competent jurisdiction in the United Kingdom, or in any Province or territory of the Dominion, or in any other British Province, is produced to, and a copy thereof deposited with, the registrar of any Surrogate Court of this Province, and the prescribed fees are paid as on a grant of probate or administration, the probate, or letters of administration or other document aforesaid, shall, under the direction of the Judge, be sealed with the seal of the Surrogate Court, and shall thereupon be of the like force and effect in Ontario, as respects personal estate only, as if the same had been originally granted by the said Surrogate Court of this Province, and shall (so far as regards this Province) be subject to any orders of the last mentioned Court, or on appeal therefrom, as if the probate or letters of administration had been granted thereby.

Security required.

(2) The letters of administration shall not be sealed with the seal of the Surrogate Court of this Province until a certificate has been filed under the hand of the registrar of the Court which issued the letters, that security had been given in such Court in a sum of sufficient amount to cover as well the assets within the jurisdiction of such Court as the assets within Ontario; or, in the absence of such certificate, until like security is given to the Judge of the Surrogate Court covering the assets in Ontario as in the case of granting original letters of administration.

Commencement of Act.

2. This Act shall not go into force or effect as relates to the United Kingdom, or to any Province other than the Provinces and territories of the Dominion, until a day or days respectively to be named with respect thereto by Proclamation of the Lieutenant-Governor.

## CHAPTER 10.

## An Act to amend the Division Courts Act.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 100 of *The Division Courts Act* is hereby amended by inserting after the words “or has absconded,” in the sixth line thereof the words “either before or after the issue of the summons.” Rev. Stat. c. 51, s. 100, amended.

2. Section 148 of the said *Division Courts Act* is hereby amended by adding after the word “cause” in the first line of sub-section 1 the words following: “or any of the parties to garnishee proceedings under this Act,” and by adding to said sub-section 1 the words: “and shall include any party to garnishee proceedings and any party added by order of the Judge.” Rev. Stat. c. 51, s. 148, amended.

3. Section 240 of the said Act is hereby amended by striking out of sub-section 4 thereof the following:—“(b) Wilfully contracted the debt or liability without having had at the time a reasonable expectation of being able to pay or discharge the same; or” Rev. Stat. c. 51, s. 240, amended.

## CHAPTER 11.

## An Act to amend the Law as to Executions.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Creditors' Relief Act* shall apply to any moneys received by a sheriff as the proceeds of a sale by him under an interpleader order, but in case the money is ordered to be paid into Court by the sheriff pending the trial of an interpleader issue, the entry to be made by the sheriff shall not be made until the said money is again paid out of Court to the sheriff for distribution. Rev. Stat. c. 65, s. 4, amended.

2. In distributing money under the said section creditors who have executions against goods only shall be entitled to share ratably with all others any moneys realized under executions Ratable distribution of property.



tions against lands; and creditors having executions against lands only shall be entitled to share ratably with all others any moneys realized under executions against goods.

Rev. Stat. c.  
65, s. 20,  
amended.

3. Section 20 of the said Act is amended by striking out of the fourth line the words "served on the debtor," and by substituting therefor the words "filed with the clerk of the County Court."

Enforcing  
division court  
claims.

4. Where any Division Court judgment or execution has been or shall hereafter be filed with any sheriff under *The Creditors' Relief Act*, or a certificate for any claim within the jurisdiction of the Division Court, and the same is not paid in full, and the sheriff is unable to make the money thereon, the creditor may obtain a return thereof from the sheriff according to the facts, and file the same with the clerk of the Division Court in which the judgment was recovered, or in the place where the cause of action arose, or the debtor, or one of the debtors, if more than one, resided, and the clerk of the Division Court shall enter the same in his proper books, and it shall thereupon become a judgment of the said Court for the unpaid balance due thereon as appearing by the sheriff's return, and the claim may be enforced in the same manner as any other judgment of the Division Court.

Rev. Stat. c.  
116, s. 53 (1),  
amended.

5. Section 53 of *The Land Titles Act* is amended by inserting in the third line of sub-section 1, immediately after the word "shall," the following words: "upon the written request of the party by whom such execution or other writ was sued out or renewed or of his solicitor, but not otherwise."

Rev. Stat. c.  
64, s. 7,  
amended.

6. Section 7 of *The Execution Act* is amended by adding after the word "issues," in the eighth line, the words "if a Court of Record; or, where the execution issues out of a Division Court, by the Clerk of the Court."

## CHAPTER 12.

### An Act to amend the law respecting the Salaries and Expenses of Police Magistrates.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 72, s. 10,  
amended.

1. Section 10 of *The Act Respecting Police Magistrates*, is amended by adding thereto the following sub-section:

(5)

(5) Towns, not separated from counties, having salaried Police Magistrates, shall not be chargeable with any portion of the salary and expenses paid to Police Magistrates by the counties, and no part of such salary and expenses shall be collected from such town.

## CHAPTER 13.

### An Act respecting Muskoka and Parry Sound.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the first day of July next, the territorial districts of Muskoka and Parry Sound, shall form a provisional judicial district, to be called "The United Provisional Judicial District of Muskoka and Parry Sound," as if the same had been so declared by the Lieutenant-Governor under *The Unorganized Territory Act*; and the enactments relating to provisional judicial districts, formed by proclamation, shall apply to the said district;

Formation of "The United Provisional Judicial District of Muskoka and Parry Sound." Rev. Stat. c. 91.

1. Save that there shall be two sheriffs for the said provisional judicial district, one for the territorial district of Muskoka, and the other for the territorial district of Parry Sound; and either of the said sheriffs may also be a bailiff of a Division Court;

2. Save also that the gaol at Barrie shall continue to be a common gaol of the district, and shall be used for the confinement of all prisoners who (it is supposed) cannot legally, or safely, or conveniently, be imprisoned within the district;

3. And save also where inconsistent with this Act.

2. The limits of the said territorial districts shall continue as at present, until altered under the authority of section 80 of *The Unorganized Territory Act*, or otherwise.

Present limits of territorial districts continued.

3.—(1) There are hereby established for the said district from the said day a District Court, to be called "The District Court of Muskoka and Parry Sound," and a Surrogate Court, to be called "The Surrogate Court of Muskoka and Parry Sound."

District and Surrogate Courts.

(2) The District Court is to be presided over by a Judge, to be appointed in accordance with the provisions of *The British North America Act, 1867*; the District Judge shall be Judge of the Surrogate Court; and *The Act respecting the County Judge's Criminal Courts*, shall extend to the said Judge and district.

Rev. Stat. c. 49.

(3)

(3) The laws now in force, or which may be hereafter passed, with respect to Surrogate Courts and Judges in counties and to the officers thereof, shall apply to the said Surrogate Court and to the Judges and officers thereof.

(4) The said District Court shall have the same jurisdiction as is possessed by County Courts.

(5) The clerk of the Division Court at Parry Sound may be appointed local registrar under *The Judicature Act*, and registrar of the Surrogate Court for the district.

(6) In case, after an appointment has been made, a vacancy occurs, the clerk of the Division Court at Parry Sound shall *ex officio* be local registrar and registrar of the Surrogate Court until another appointment is made.

(7) The town of Parry Sound shall be the district town of the provisional judicial district.

Appoint-  
ments under  
this Act.

4. Any appointments to be made under this Act, and any security to be given or oaths taken, may be made, given or taken at any time after the passing hereof.

Present  
officers con-  
tinued.

5. The stipendiary magistrate, registrar of deeds, and all coroners, justices of the peace, and commissioners for taking affidavits, heretofore appointed for each of the districts of Mu-koka and Parry Sound, shall be the stipendiary magistrate, registrar, coroners, justices of the peace and commissioners of the same territorial district with their present tenures of office, without new commissions, and without again taking any oath.

Powers and  
duties of  
stipendiary  
magistrates.

6. The stipendiary magistrates shall have the same powers, rights and duties as at present, and therein are to be auxiliary to the District Judge.

Provision in  
case of illness  
or absence of  
stipendiary  
magistrate.

7. In case of there being no stipendiary magistrate for Parry Sound or Muskoka, or in case of the absence or illness of the stipendiary magistrate, all the duties and powers of that officer shall belong to and be performed and exercised by the District Judge.

Stipendiary  
magistrate to  
act for dis-  
trict judge.

8. Each of the stipendiary magistrates may, at the request of the District Judge, act for the Judge in holding any Court or performing any other function or duty of the Judge, and while so acting shall have all the rights, powers and privileges of the Judge.

*Ex-officio*  
Justices of the  
Peace.

9. Each of the stipendiary magistrates shall be *ex-officio* a justice of the peace for the provisional judicial district; and the provisions respecting county police magistrates, contained in *The Act respecting Police Magistrates*, shall apply to him.

Rev. Stat.  
c. 72.



**10.**—(1) Sittings of the High Court for the trial of civil and criminal causes and for other purposes shall be held once a year, (or if the Judges of the High Court deem it requisite, oftener), at Parry Sound and Bracebridge and at such other places (if any) as may, from time to time, be appointed by the Lieutenant-Governor in Council; and such sittings shall be held on such days as may, from time to time, be appointed therefor by the said Judges. If the Judges, upon inquiry, ascertain, on any occasion, that any sitting is not required for the due administration of justice, it shall not be necessary to appoint a day for the holding thereof.

Sittings of  
High Court.

(2) In case the sittings are to be held, the Judges of the High Court, or some of them, shall issue the necessary precepts for the summoning of grand and petit jurors.

**11.** Sections 64 and 65 of *The Unorganized Territory Act* shall apply to the said District Court.

Application of  
Rev. Stat. c.  
91, ss. 64, 65.

**12.** The registration of instruments mentioned in *The Act respecting Mortgages and Sales of Personal Property* shall continue to be made as at present.

Registration  
of bills of sale,  
etc.

**13.**—(1) Every gaol or lock-up heretofore or hereafter erected in either of the said territorial districts, under the authority of the Lieutenant-Governor, or any building so declared by Order in Council, shall be a common gaol of the provisional judicial district, for the safe custody of persons charged within the territorial district, with the commission of crimes or with the commission of offences against any of the statutes of this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial charged as aforesaid, and who are to be tried in the district; or for the confinement of persons sentenced within the district for crimes or offences aforesaid, for the periods for which they are sentenced, or until such persons can be conveniently removed to the gaol at Barrie, or other lawful prison to which they are sentenced.

Gaols and  
lock-ups.

(2) Nothing contained in the last preceding sub-section shall be construed to prevent any Court or magistrate from directing the committal, either for safe custody or for punishment, of any person whom it may be considered expedient to commit, to the common gaol at Barrie.

**14.**—(1) The provisions of law with reference to judicial proceedings in the case of a separation of a junior from a senior county, and the dissolution of a union of counties, shall apply to the said provisional judicial district, so far as the same are consistent with this Act; and in order to apply such provisions the county of Simcoe shall be regarded as a senior county and each of the districts as a junior county.

Provisions for  
separation of  
counties to  
apply.

(2) This section shall not be held to authorize the sheriff of Simcoe to execute within Muskoka or Parry Sound a writ not in his hands at the time the said districts become a provisional judicial district, where the writ does not depend for its priority upon a former writ executed by him.

(3) No unsatisfied writ in the hands of the said sheriff at the said time shall bind lands or goods situate within the said district, or have any effect upon the lands or goods after one year from the said time, unless the person entitled to the benefit of the unsatisfied writ, before the expiration of the year, places a writ against lands or goods (as the case may require) in the hands of the sheriff of the district in which the lands or goods are situate, indorsed with a notice that priority is claimed by virtue of this Act, in which case, his writ in the hands of the sheriff of Simcoe, if at the said time it bound lands or goods within Muskoka or Parry Sound, shall continue to bind the same, and shall retain its priority so long as such indorsed writ remains in force; provided such person has not in the meantime permitted his writ in the hands of the sheriff of Simcoe to expire, or has not otherwise lost his priority.

Appointment  
of deputy  
clerk.

**15.**—(1) The Lieutenant-Governor may, from time to time appoint, under the great seal, an officer for the District Court of the said Provisional Judicial District, to be called the Deputy Clerk for Muskoka, who shall hold office during pleasure, and shall keep his office at Bracebridge, and the said officer may also be clerk of the Division Court.

Vacancy in  
the office of  
deputy clerk.

(2) In case after an appointment has been made a vacancy occurs in the office, the clerk of the Division Court at Bracebridge shall, *ex-officio*, be Deputy Clerk until another appointment is made.

Powers and  
duties of  
deputy clerk.

(3) The said Deputy Clerk shall issue writs for the commencement of actions in the District Court, and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the clerk of the District Court at Parry Sound in respect of actions commenced by writs issued out of his office, and of proceedings therein; and the Deputy Clerk shall also issue such writs and process in such actions as may in like case be issued by the clerk of the District Court, and may renew such writs as by law may be renewed.

Capias.

(4) No writ of capias issued under the next preceding subsection shall be executed outside of the district of Muskoka; and every writ of capias so issued shall be marked by the clerk as follows: "Only to be executed within the District of Muskoka," but this shall not prevent a copy of the writ of capias being served at any place within Ontario.

Seal.

(5) The Deputy Clerk of the District Court shall have the custody of a seal similar in design to the seal of the Court  
in

in the custody of the Clerk at Parry Sound, and the Deputy Clerk shall seal therewith all writs, process and proceedings requiring the seal of the Court; and every writ, process or proceeding so sealed shall be held to be duly sealed with the seal of the Court.

**16.** In an action in which the venue is local, the writ shall be issued out of the office of the Deputy Clerk, and Bracebridge shall be named as the place of trial in the same manner as if the District of Muskoka was a separate county; but the Judge may, if he sees fit, change the place of trial. Venue.

**17.**—(1) The Deputy Clerk for Muskoka of the District Court of Muskoka and Parry Sound shall, *ex-officio*, be Deputy Registrar for Muskoka of the Surrogate Court of Muskoka and Parry Sound; and he shall keep his office of Deputy Registrar at the same place as he is required by law to keep his office of Deputy Clerk. Deputy Clerk to be Deputy Registrar of Surrogate Court.

(2) Sections 11, 12, 13 and 14 of *The Surrogate Courts Act*, shall apply as nearly as may be to the Deputy Registrar for Muskoka; and he shall observe and conform to the provisions thereof; and shall perform the like duties, and shall have the like powers and rights, under and by virtue of the said Act, within the District of Muskoka, as are performed or possessed by the Registrar of the Surrogate Court at Parry Sound; and the latter shall not exercise the powers and rights of Registrar of the Surrogate Court, in regard to applications for probate, or letters of administration, in respect of the will, or estate, of any person who had at the time of his death his fixed place of abode in the District of Muskoka, or of any person who having no fixed place of abode within Ontario had, at the time of his death, real or personal estate in Muskoka but not in Parry Sound, which but for this section would have been exercised by him as Registrar of the Surrogate Court for Muskoka and Parry Sound. Rev. Stat., c. 50. ss. 11-14 to apply to Deputy Registrar.

(3) The Deputy Registrar of Surrogate shall have the custody of a seal similar in design to the seal of the Court in the custody of the Registrar, and this seal shall be the seal of the Court for the purpose of sealing grants, letters, writs, certificates, papers or proceedings in connection with any matter or thing in the office of the Deputy Registrar requiring to be sealed. Surrogate Seal.

**18.** The Surrogate Court for Muskoka and Parry Sound shall, at Bracebridge, in respect of matters arising within the district of Muskoka and at Parry Sound in respect of matters arising within the rest of the provisional judicial district, hold such sittings as the Judge may think proper and necessary; and the Judge may, when he deems it more convenient for the parties interested, perform any judicial or magisterial Sittings of Surrogate Court.



act affecting either of the said Surrogate divisions in the other of such divisions or at any place not herein named in either division.

Office of sheriff. **19.** The sheriff of Muskoka shall keep his office at Bracebridge.

Sheriff's mileage. **20.** Where the sheriff of Parry Sound is entitled to mileage, the same shall be reckoned from Parry Sound or Burke's Falls according as the one or the other is the nearer to the place of service.

Sittings of District Court. **21.**—(1) Besides the sittings at the district town, the District Court of Muskoka and Parry Sound shall hold sittings on the first Tuesday of the month of June and the fourth Tuesday of the month of November of each year, at Bracebridge, for trials and assessments by jury, and sittings of the General Sessions of the Peace for Muskoka and Parry Sound shall be held on the same days as the District Court.

Sittings of General Sessions. Trial of appeals. (2) The General Sessions of the Peace at Bracebridge shall be for the trial of causes within the jurisdiction of the General Sessions where the offence to be tried was committed within the district of Muskoka, and for the trial of appeals to the General Sessions from a decision, order or conviction made by a justice of the peace or stipendiary magistrate within such district.

Appointment of Sittings by Lieutenant-Governor. (3) Sittings of the District Court and General Sessions shall also be held at any other place or places in either or each of the said districts, as the Lieutenant-Governor, by proclamation, from time to time appoints.

## PART II.

Municipalities in district separated from counties for municipal purposes. **22.**—(1) The several municipalities, townships and other lands in the said Provisional Judicial District are hereby separated for municipal purposes from the counties to which for municipal purposes they now respectively belong save for the purposes of *The Canada Temperance Act*.

(2) The by-laws now in force in the said municipalities shall continue in force until repealed or altered by proper authority. Licenses heretofore granted shall continue in force therein according to the tenor thereof.

Formation of municipalities into provisional county by proclamation. **23.** In case the majority of the reeves and deputy-reeves of the municipalities within either of the said territorial districts, or within any part of the said Provisional Judicial District previously designated for this purpose by order of the Lieutenant-Governor in Council, shall, in the month of February  
in

in any year, petition the Lieutenant-Governor in Council in this behalf, the Lieutenant-Governor may, by his proclamation, if he thinks fit, form the municipalities in the said district, or other territory designated as aforesaid, into a provisional county.

**24.**—(1) If the proclamation is issued in respect of Muskoka, the district of Muskoka shall form and be a provisional county, by the name of the provisional county of Muskoka; and the inhabitants thereof shall be a provisional county corporation, and be styled, "The Corporation of the Provisional County of Muskoka." "Provisional County of Muskoka."

(2) If the proclamation is issued in respect of Parry Sound, the district of Parry Sound shall form and be a provisional county, by the name of the provisional county of Parry Sound; and the inhabitants thereof shall be a provisional county corporation, by the name of "The Corporation of the Provisional County of Parry Sound." "Provisional County of Parry Sound."

(3) If the proclamation is issued in respect of any other territory designated as aforesaid, the said territory shall form and be a provisional county by a name to be declared by the proclamation; and the inhabitants shall be a provisional county corporation by the name so declared. Provisional Counties other than the preceding.

**25.** Provisional corporations formed under this Act, and the councils thereof, shall have, respectively, all the rights, powers, liabilities, and incidents of a county corporation and county council; and the municipal law and statutes applicable to counties, county corporations, and county councils, and the members of such councils, shall apply to the said provisional counties, except where inconsistent with this Act. Powers of provisional corporations.

**26.** The reeves and deputy-reeves of the municipalities within the provisional county shall compose the council thereof; and the first meeting of the council shall be at such place and time as the Lieutenant-Governor, by proclamation, may appoint; and the Lieutenant-Governor may in the proclamation name one of the members to preside in the council until a warden has been elected, and may name some place as the county town. How council of provisional county to be composed.

**27.** The Division Courts shall continue as they then are until changed, but in the names of the Courts the "Provisional County of Muskoka," and the "Provisional County of Parry Sound," or as the case may be, shall be substituted for the "District of Muskoka," and the "District of Parry Sound," respectively. Division courts.

**28.**—(1) In case a township, or two or more adjacent townships in the provisional county, and not belonging to any incorporated union of townships, is or are not incorporated, and in case such Union of unincorporated townships to adjacent corporations.

such township or adjacent townships has or have together not less than one hundred inhabitants, the council of the provisional county may by by-law unite such township or townships for municipal purposes to some adjacent incorporated township, or form such township or townships into an independent township or union of townships.

(2) The by-law shall name the place for holding the first election and the returning officer who is to hold the same; and every by-law forming a union of townships shall designate the order of seniority of the townships so united.

## CHAPTER 14.

### An Act respecting Manitoulin.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Temporary  
judicial dis-  
trict of Mani-  
toulin.

Rev. Stat.  
c. 91.

1. The following parts of the provisional judicial district of Algoma are hereby separated therefrom so far as necessary for the purposes of this Act, and shall form a temporary judicial district, to be called "The Temporary Judicial District of Manitoulin;" and the provisions of law relating to temporary judicial districts in *The Unorganized Territory Act* shall apply thereto as if the said Temporary Judicial District of Manitoulin had been formed by proclamation of the Lieutenant-Governor; that is to say:

The Great Manitoulin Island;

The islands named Cockburn, Barrie, Fitzwilliam, Lonely, Club, Wall and Rabbit.

All islands between any of these and the Great Manitoulin.

The islands south of the Great Manitoulin.

Any islands which in whole or in part lie between headland and headland around the Great Manitoulin.

The land covered with water adjacent to the said islands and within a distance of one hundred yards from high water mark.

Coroners,  
justices of the  
peace, etc.

2. All coroners, justices of the peace and commissioners for taking affidavits, now residing in the said temporary judicial district shall cease to have any authority in the remainder of the district of Algoma; and shall be coroners, justices of the peace and commissioners for the said Temporary Judicial District of Manitoulin, without new commissions, by the same tenure



tenure of office, and without again taking the oaths; but this shall not prevent the said justices from sitting in the General Sessions of the Peace for Algoma.

3. All returns of convictions required to be made by justices of the peace shall be made to the clerk of the peace for the district of Algoma. Returns of convictions.

4. The first stipendiary magistrate to be appointed for the said temporary judicial district shall be one of the present stipendiary magistrates of the Province; and he shall hold office on the same tenure as other stipendiary magistrates. First stipendiary magistrate.

5.—(1) Sittings of the District Court of Algoma, and of the General Sessions of the Peace of Algoma, shall be held twice a year within the said Temporary Judicial District of Manitoulin, at such times and place, or places, as the Lieutenant-Governor shall appoint. Sittings of District Court and of General Sessions of the Peace.

(2.) Such sittings of the District Court shall be for the trial of causes in respect of a contract made within the district of Manitoulin; or if the action is not upon contract, then where the cause of action arose within such district, or the defendant resides therein.

(3) Such Sessions of the Peace shall be for the trial of causes within the jurisdiction of the General Sessions of the Peace, provided the offence was committed within the said district of Manitoulin; but when an offender can be more conveniently tried outside of the district of Manitoulin he may be so tried.

6. The said sittings of the General Sessions of the Peace shall be the proper Court for the trial of appeals to the General Sessions from a decision, order, or conviction made by any Justice or Justices of the Peace, or other Magistrates within the District of Manitoulin, and such Court shall have full and complete jurisdiction and authority for the trial of every such appeal, as well as for the trial, under the preceding section, of any person charged with an offence committed within the said district of Manitoulin over which the Sessions have jurisdiction. Jurisdiction of General Sessions.

7.—(1) The Judge of the District Court of Algoma may, if he thinks fit, at the request of the stipendiary magistrate of the said temporary judicial district, hold any Division Court in the said temporary judicial district; and the said Judge, while holding such Court, shall have all the rights, powers and privileges of the stipendiary magistrate. District judge may hold division courts.

(2) The Stipendiary Magistrate may, at the request of the District Judge, act for the Judge in holding any Division Court or performing any other function or duty of the Judge in connection with the Division Courts in any part of the District of Algoma, and while so acting, shall have all the rights, powers and privileges of the Judge. Stipendiary Magistrate may act for District Judge.

Gaols and lock-ups to be common gaols of district and of Algoma.

8.—(1) Any gaol or lock-up heretofore or hereafter erected by the authority of the Lieutenant-Governor in the said temporary judicial district, shall be a common gaol of such district and the district of Algoma, for the safe custody of persons charged in such temporary judicial district with the commission of crimes or with offences against any of the statutes of this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within such temporary judicial district; or for the confinement of persons sentenced within the said district for crimes or offences aforesaid, for periods not exceeding six months; or for the confinement of persons sentenced as aforesaid for periods exceeding six months, until such persons can be conveniently removed to the gaol at Sault Ste. Marie, or other lawful prison to which they are sentenced.

(2) Nothing contained in the preceding sub-section shall be construed to prevent any Court or magistrate from directing the committal, either for safe custody or for punishment, of any person whom it may be considered expedient to commit to the common gaol at Sault Ste. Marie.

Application of Rev. Stat. c. 116.

9. The Lieutenant-Governor shall appoint for the said temporary judicial district a Local Master of Titles, and the sections of *The Land Titles Act* numbered 135 to 144 inclusive, shall apply to the said temporary judicial district, and to the said local master of titles and other officers and persons therein mentioned.

Local master of titles to be registrar of deeds.

10. The local master of titles shall also be registrar of deeds; he shall hold office during pleasure; he shall register all deeds and other conveyances and instruments relating to lands situate in any part of the said temporary judicial district and laid out and surveyed by the Crown; his duties as registrar shall be the same as the duties of other registrars under the registry laws of this Province; and his fees shall be the same as those appointed and established by such registry laws.

Security to be furnished by registrar.

11.—(1) The provisions of law relating to securities to be given by registrars of deeds in other parts of Ontario shall apply to the registrar of the said temporary judicial district, except that the security to be given by such officer as Registrar, or as Local Master of Titles and Registrar, shall be for such an amount as the Lieutenant-Governor in Council may determine.

(2) In case the Lieutenant-Governor shall require one instrument of security to be given for both offices, such instrument shall be, as nearly as may be, in the form given in schedule A to *The Registry Act*, subject, however, to the provisions of sections 24 and 25 of *The Act respecting Public Officers*.

Rev. Stat. c. 15.

(3) The said officer and his sureties shall, in such case, be jointly and severally liable on their covenant to any aggrieved person or persons, including the Crown, to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the officer, or his deputy, in the performance of the duties of his office, not exceeding the penalty named therein, but this provision shall not exempt the officer from any further responsibility to persons sustaining damage or loss as aforesaid, or render him liable in respect of any act or omission for which protection is given by section 88 of *The Land Titles Act*.

Rev. Stat. c.  
116.

**12.** The registrar of the district of Algoma shall transfer and deliver to the registrar of the said temporary judicial district, all books, deeds, papers, plans and documents in his possession, as such registrar of Algoma, referring or relating exclusively to lands within such district; and all the provisions of the registry laws relating to the transfer of books, deeds, memorials, plans, and other documents or instruments from one registry office to another registry office when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the said registrar and registry office in the said temporary judicial district.

Transfer of  
books, etc., to  
be made by  
registrar of  
Algoma.

**13.** The said registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor.

Office of  
registrar.

**14.—(1)** The Lieutenant-Governor may, from time to time, appoint, under the great seal, an officer for the District Court of the Provisional Judicial District of Algoma to be called the deputy clerk for Manitoulin, who shall hold office during pleasure.

Appointment  
of deputy  
clerk.

(2) In case after an appointment has been made a vacancy occurs in such office, the clerk of the Division Court at the place where the office of deputy clerk is held shall, *ex officio*, be deputy clerk until another appointment is made.

Vacancy in  
office of  
deputy clerk.

(3) The said deputy clerk shall issue writs for the commencement of actions in the District Court, and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the clerk of the District Court at Sault Ste. Marie in respect of actions commenced by writs issued out of his office, and of proceedings therein; and the said deputy clerk shall also issue such writs and process as may be required in such actions as may in like cases be issued by the said clerk of the District Court, and may renew any such writs as by law may be renewed.

Powers and  
duties of  
deputy clerk.

(4) The deputy clerk shall have the custody of a seal similar in design to the seal of the Court in the custody of the clerk

Seal.



at Sault Ste. Marie, and the said deputy clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said Court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said Court.

Venue.

**15.** In actions arising in the District of Algoma in which the venue is local the writ shall be issued out of the office of the deputy clerk, and the place of trial in Manitoulin shall be named in the same manner as if the said district was a separate county; but the Judge may, if he sees fit, change the place of trial in any action.

Deputy clerk  
to be deputy  
registrar for  
Surrogate  
Court.

**16.**—(1) The deputy clerk for the Manitoulin district of the District Court of Algoma, shall, *ex officio*, be deputy registrar for Manitoulin of the Surrogate Court of Algoma; and he shall keep his office of deputy registrar at the same place as he is required to keep his office of deputy clerk.

Rev. Stat. c.  
50, ss. 11-14 to  
apply to  
deputy-  
registrar.

(2) Sections 11, 12, 13, and 14 of *The Surrogate Courts Act* shall apply as nearly as may be to the deputy registrar for Manitoulin; and he shall observe and conform to the provisions thereof; and shall perform the like duties, and shall have the like powers and rights, under and by virtue of the said Act, within the district of Manitoulin, as are performed or possessed by the registrar of the Surrogate Court of Algoma at Sault Ste. Marie; and the latter shall not exercise the powers and rights of registrar of the Surrogate Court for Algoma, in regard to applications for probate, or letters of administration, in respect of the will, or estate, of any person who had at the time of his death, his fixed place of abode in the district of Manitoulin, or of any person who, having no fixed place of abode within Ontario, had, at the time of his death, real or personal estate in the district of Manitoulin and not elsewhere in Algoma, which, but for this section, would have been exercised by him as registrar of the Surrogate Court for Algoma.

(3) The said deputy registrar of the Surrogate Court of Algoma shall have the custody of a seal similar in design to the seal of the Court in the custody of the registrar, and such seal shall be the seal of the Court for the purpose of sealing all grants, letters, writs, certificates, papers, or proceedings in connection with any matter or thing in the office of the said deputy registrar requiring to be sealed.

Sittings of  
Surrogate  
Court.

**17.** The Surrogate Court of Algoma shall, in the District of Manitoulin, in respect of matters arising within the District of Manitoulin, hold such sittings as the Judge of the Surrogate Court of the Provisional Judicial District of Algoma may think proper and necessary; but the said Judge may, when he deems it more convenient for the parties interested, perform any judicial or ministerial act affecting either of the said Surrogate divisions in the other of such divisions.

18. If at any time the Lieutenant-Governor in Council should see fit to take the opinion of the electors of the said District of Manitoulin as to the most acceptable and convenient place for holding the District Court and for the offices of the Deputy Clerk thereof and the Deputy Registrar of the Surrogate Court, he may, before naming a place, cause the votes of the electors to be taken in regard to the several places named by Order in Council, and the following proceedings may be taken :—

Vote of electors as to place for holding District Court, etc.

1. The Lieutenant-Governor in Council may by proclamation fix the day and hour for taking the votes of the electors at such places in the said District as shall be deemed best for the purpose above mentioned.

2. The proclamation shall be posted up in some public place in the neighbourhood of each place at which the votes are to be taken, and a copy thereof shall be published in such newspapers in the said District as the Lieutenant-Governor in Council may, in his discretion, direct.

3. The Lieutenant-Governor in Council may name the Returning Officer for the purpose of taking the vote, and it shall be the duty of the Returning Officer to cause the proclamation to be posted in the manner above described with all reasonable speed after the receipt of same, and at least fifteen days before the day for taking the votes. The Returning Officer shall name the Deputy Returning Officers.

4. All proceedings for the purpose of taking the votes shall be, as nearly as practicable, the same as the proceedings for the purpose of taking the votes at an election under *The Ontario Election Act* in the said District.

Rev. Stat. c. 9.

5. The ballot papers shall be according to the form hereunder, or as nearly as the facts permit :—

|                             |                |   |
|-----------------------------|----------------|---|
| Election for District Town. | Name of Place. | X |
| No.— Counterfoil.           | Name of Place. |   |

6. The qualification of voters shall be the same as that required in said District under the provisions of *The Ontario Election Act* for the election of a person to serve in the Legislative Assembly.

Rev. Stat. c. 9

7. There shall be at least one polling place in every municipality, and the Returning Officer shall establish as many other polling places as he may consider requisite.

8.

8. On the day of polling the voting shall commence at nine o'clock in the forenoon and shall finish at five o'clock on the same day, and the votes shall be given by ballot.

9. The oaths to be taken by the Returning Officer and Deputy Returning Officers, Clerks and voters shall be to the same effect as those required for an election under *The Ontario Election Act*, and the proceedings attendant upon the opening, conducting and closing of the poll shall be the same as those required under the said Act.

10. Within fifteen days after the day of voting the Returning Officer shall declare the result in writing, and shall forward the same to the Provincial Secretary.

## CHAPTER 15.

### An Act to amend the law respecting Mortgages.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.      1. This Act may be cited as *The Mortgage Amendment Act, 1888*.

Application of section.      2.—(1) This section shall only apply to mortgages made subsequent to the first day of July, 1888.

Payment of principal after default.      (2) Where default has been made in the payment of any principal money secured by any mortgage according to the terms and conditions thereof, the same may be paid at any time thereafter without previous notice to the person entitled to receive the same, and without the payment of any interest in lieu of such notice; provided always, that if in or by the said mortgage or otherwise there has been any express agreement with respect either to such notice or to interest to be paid in lieu thereof, such agreement shall be binding and have the same effect as if this Act had not been passed; provided moreover, that this Act shall not be held as applying to any default in the payment of principal money that may have become due or payable only by reason of some default made in the payment of interest money secured or payable by or under any such mortgage, or by reason of some default made in the payment of any instalment of principal money, or any portion of any instalment of principal money secured or payable by or under any such mortgage, but shall be held as applying to any such instalment in respect of which default has been made as aforesaid. (3)

Proviso.

Proviso.



(3) Any rule, question or matter of law or equity affecting Mortgages made prior to July 1st, 1888, or arising out of any default in the payment of money secured by any mortgage made either heretofore or prior to the first day of July next after the passing of this Act, shall in all respects, and for all purposes, be adjudged and determined as if the provisions of this section had not been enacted. not affected.

3. Section 18 of *The Act respecting Mortgages of Real Estate*, being chapter 102 of the Revised Statutes of Ontario, 1887, is hereby amended by substituting the word "four" for the word "six," in the sixth line thereof; and section 20 of the said Act is hereby amended by substituting for the word "three," in the second line thereof, the word "two." Rev. Stat. c. 102, ss. 18 and 20 amended.

4. Whenever a mortgage made in pursuance of *The Act respecting Short Forms of Mortgages*, being chapter 107 of the Revised Statutes of Ontario, 1887, contains a power of sale in the form No. 14, in column 1 of schedule B to the said Act, the mortgagee, his heirs, executors, administrators or assigns may, in exercising the said power, in lieu of taking the proceedings provided for by the said form No. 14, column 2, take proceedings under and have the benefit of the provisions of part two of *The Act respecting Mortgages of Real Estate*, chapter 102 of the Revised Statutes of Ontario, 1887, except that such power shall not be exercisable until after at least four months' default and at least two months notice, or such longer periods as may by the power contained in such mortgage be fixed therefor, and the said part two shall apply to a sale made under such power. Power of sale.

5. No sale heretofore made shall be declared to be invalid on the ground, or by reason only of the same having been made in pursuance of a power of sale contained in a mortgage where such power has been exercised by an assignee of such mortgage instead of the original mortgagee unless within two years after the making of any such sale, proceedings have been, or shall be taken to declare the same to be invalid or irregular; but nothing herein contained shall be deemed or construed to confirm any such sale which for any other reason or any other ground might be set aside, or declared irregular or invalid; nor shall anything herein contained affect any proceeding, suit, or matter, either now pending or heretofore adjudged or determined or which may be brought within three months after the passing of this Act. Time for questioning sales limited.

## CHAPTER 16.

## An Act to amend the Partition Act.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 104, s. 68,  
amended.

1. Section 68 of *The Partition Act* is hereby amended by adding thereto the following sub-sections:—

Disposition of  
unclaimed  
moneys.

(2) In case no claim is made to such moneys, bonds, mortgages, securities or investments by the person entitled thereto within six months after the publication of such statement, the said moneys, and all sums as they become due and are paid under the said bonds, mortgages, securities or investments, shall be paid by the real representative upon the certificate of the inspector of legal offices to the accountant of the Supreme Court of Judicature for Ontario, to be placed by him to the credit of the matter in which the said moneys are held, such moneys to be received and paid out to the parties entitled pursuant to the order of partition and report of the real representative, as if the matter had been originally carried on in the High Court of Justice.

(3) The real representative, in making such payments into Court as aforesaid, shall forward with the same an office copy of the order for partition and his report thereunder, together with the said certificate of the inspector of legal offices, which shall set forth that he has inquired into the proceedings taken in the matter and that they have been duly taken according to the provisions of this Act, and that in his opinion it is a proper case in which the moneys should be paid into the accountant's office.

## CHAPTER 17.

## An Act to amend the Registry Act.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Instruments  
giving author-  
ity to sell and  
naming com-  
mission, not to  
bind land after  
one year from  
date.

1. Every instrument within the meaning of section 2 of *The Registry Act*, which in its nature is, or purports to be, a power of attorney or authority from one person to another to sell lands, and in which instrument the commission, payment for services, or other remuneration of the attorney or agent therein named,

named, is made a charge on the land, shall not, as against a subsequent purchaser, or the creditors of the person giving the power or authority, have effect to charge the lands with such commission, payment for services, or remuneration, after the lapse of the time hereinafter mentioned, namely :—(1) after the lapse of one year from the making of the instrument, where the same is made or executed after the passing of this Act; (2) after the lapse of one year from the passing of this Act, where the instrument has been heretofore made or executed.

2. An instrument within the meaning of section 2 of the said Act, not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person giving the same in respect of a purchase or delivery of any goods, shall not be registered unless the affidavit of execution states that the instrument was read over and explained to the owner or person executing the same, and that he appeared perfectly to understand the same, and was informed that it might be registered as an incumbrance on his land, such affidavit to be in the form in schedule A to this Act or to the like effect.

Affidavit of execution in case of instruments given in respect of purchase or delivery of goods.

3. Section 1 of this Act shall apply at the end of one year after the passing of this Act as well to instruments registered before as after the passing of this Act; and instruments of the nature mentioned in section 2 hereof registered before as well as after the passing hereof, may be discharged and the lands affected thereby released therefrom, by filing in the registry office a certificate of discharge in the form contained in schedule B to this Act, or to the like effect.

Application of preceding sections.

4. The registrar shall be entitled to charge for registering a certificate under the last preceding section, including all entries in respect thereof, the same fees as are chargeable for registering a certificate of discharge of mortgage.

Fees of registrar.

5. Letters of administration which under *The Devolution of Estates Act* affect lands, may be registered in the same manner as probates of wills are now registered, and the registrar shall be entitled to charge for registering letters of administration, without a will annexed, including all entries in respect thereof, a fee of one dollar.

Registration of letters of administration.



### SCHEDULE A.

AFFIDAVIT OF EXECUTION.

County of            } I, A. B., of the            , in the county  
To wit:            { of            (addition), make oath and say:

(1) That I was personally present and did see the annexed (or within) instrument (and duplicate, *if any, according to the fact*), duly signed, sealed and executed by \_\_\_\_\_, and \_\_\_\_\_ the parties thereto.

(2) That the said instrument was read over in my presence and explained to the said \_\_\_\_\_, and that he appeared perfectly to understand the same, and was informed that it might be registered as an incumbrance on his lands.

(3) That the said instrument (and duplicate, *if any according to the fact*) was executed at the \_\_\_\_\_ of \_\_\_\_\_

(4) That I know the said parties (or one or more of them according to the fact.)

(5) That I am a subscribing witness to the said (and duplicate, *according to the fact.*)

Sworn, &c.

## SCHEDULE B.

CERTIFICATE OF DISCHARGE.

To the Registrar of the County of

County of        } I,                               of the                               in the county  
To wit:        } of                               (addition),                               do hereby  
certify that       , of the                               of                               , in the county of  
                              (addition)       , has satisfied all money due or to grow due  
on (or has satisfied the sum of \$                               mentioned in)  
a certain instrument made by                               of                               to                               , which  
instrument bears date the                               day of                               , A. D., 18       , and  
was registered in the registry office for the county of                               of  
on the                               day of                               , A. D. 18       , at                               minutes  
past       o'clock,       noon, in liber                               for                               , as No.       .  
(here mention the day and date of registration of each  
assignment thereof, and the names of the parties, or mention  
that such instrument has not been assigned, as the fact may  
be.)

and that I am the person entitled by law to receive the money,



consideration money or some stipulated part thereof, shall only be valid as against subsequent purchasers or mortgagees without notice in good faith for valuable consideration in the case of manufactured goods or chattels, which at the time possession is given to the bailee, have the name and address of the manufacturer, bailor or vendor of same painted, printed, stamped or engraved thereon or otherwise plainly attached thereto, and no such bailment shall be valid as against such subsequent purchaser or mortgagee as aforesaid, unless it is evidenced in writing, signed by the bailee or his agent.

Statement of  
amount due to  
be given on  
request.

**2.** Every manufacturer, bailor or vendor shall, on application by any proposed purchaser or other interested person, within five days furnish full information respecting the amount or balance due or unpaid on any such manufactured goods or chattels, and the terms of payment of such amount or balance, and in case of refusal or neglect to furnish the information asked for, such manufacturer, bailor or vendor shall be liable to a fine not exceeding \$50 on conviction before a stipendiary or police magistrate or two justices of the peace. Any person convicted under this Act shall have the right to appeal to the County Judge against such conviction.

Address to be  
given by per-  
son demand-  
ing statement.

**3.** The person "so enquiring (if by letter) shall give a name and post office address to which a reply may be sent, and it shall be sufficient if the information aforesaid be given by registered letter deposited in the post office within the said five days, addressed to the person enquiring at his proper post office address, or where a name and address is given as aforesaid, addressed to such person by the name and at the post office so given.

Power to re-  
deem chattel.

**4.** If any manufacturer, bailor or vendor of such chattel or chattels or his successor in interest, where there has been a conditional sale or promise of sale, take possession thereof for breach of condition, he shall retain the same for twenty days, and the bailee or his successor in interest may redeem the same within such period on payment of the full amount then in arrear, together with interest and the actual costs and expenses of taking possession which have been incurred.

Notice of sale.

**5.** When the goods or chattels have been sold or bailed originally for a greater sum than \$30, the same, when taken possession of, as in the preceding section mentioned, shall not be sold without five days' notice of the intended sale being first given to the bailee or his successor in interest. The notice may be personally served or may, in the absence of such bailee or his successor in interest, be left at his residence or last known place of abode in Ontario, or may be sent by registered letter, deposited in the post office at least seven days before the time when the said five days will elapse, addressed to the  
bailee



bailee or his successor in interest, at his last known post office address in Canada. The said five days or seven days may be part of the twenty days in section 4 mentioned.

6. Section 1 of this Act shall not apply to household furniture, but pianos, organs, or other musical instruments are not included in the term "household furniture" when it appears in this section; nor shall section 1 apply to chattels where the manufacturer, bailor or vendor, within ten days from the execution of any receipt note, hire receipt, order or other instrument evidencing the bailment or conditional sale given to secure the purchase money, or part thereof, shall file with the clerk of the County Court of the county in which the bailee or conditional purchaser resided at the time of the bailment or conditional purchase, a copy of the said receipt note, hire receipt, order or other instrument evidencing the bailment or conditional sale.

Section 1 not to apply to household furniture.

Section 1 not to apply when copy of receipt filed with clerk of county court.

7. The clerk of the Court, on receipt of such copy, shall duly file the same and cause it to be properly entered in an index book to be kept for that purpose, and shall be entitled to charge ten cents for every such filing and five cents for every search in respect thereof. A clerical error which does not mislead, or an error in an immaterial or non-essential part of the said copy so filed, shall not invalidate the said filing or destroy the effect thereof.

Clerk to file copy of receipt.

8. The manufacturer, bailor or vendor shall leave a copy of the receipt note, hire receipt, order or other instrument by which a lien on the chattel is retained, or which provides for a conditional sale, with the bailee or conditional vendee at the time of the execution of the instrument, or within twenty days thereafter.

Copy of receipt to be left with vendee.

9. This Act shall not come into force until the first day of January, 1889.

Commencement of Act.

## CHAPTER 20.

An Act to amend the Act respecting the Solemnization of Marriages.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act respecting the Solemnization of Marriages is amended by substituting the word "Canada" for the word "Ontario" in section 1 of the said Act.

Rev. Stat. c. 131, s. 1, amended. 2.

Certain  
marriages  
confirmed.

2. Any marriages which, before the passing of this Act, have been solemnized in this Province by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the Churches to which they belong, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid marriages, so far as respects the civil rights in this Province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the clergyman or minister was not at the time a resident of this Province;

Proviso.

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action; and

Proviso.

Provided further that nothing in this Act shall make valid any such marriage in case either of the parties thereto has since contracted matrimony according to law; and in such a case the validity of the marriage by a non-resident clergyman or minister shall be determined as if this Act had not been passed.

## CHAPTER 21.

### An Act to amend the Married Woman's Real Estate Act.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
134, s. 2 (2),  
amended.

1. Sub-section 2 of section 2 of *The Married Woman's Real Estate Act* is amended by striking out all the words therein after the word "or" in the first line of the said sub-section.

Rev. Stat. c.  
134, amended.

2. *The Married Woman's Real Estate Act* is amended by adding thereto the following sections:—

Judge may  
dispense with  
concurrence of  
husband in  
certain cases.

9. In any case where a husband is entitled to tenancy by the curtesy in the real estate of his wife, and in any case where a married woman is unable to give a valid deed of her real estate without her husband joining therein, if the husband of a married woman is in consequence of being a lunatic, idiot, or of unsound mind (and whether he has been found such by inquisition or not), or is from any other cause incapable of executing a deed or conveyance, or if his residence is not known, or he is in prison, or is living apart from

from his wife by mutual consent, or under circumstances which entitle her to alimony, or if he has deserted her, or if there is in the opinion of the Judge any other cause for so doing a Judge may, by an order to be made by him in a summary way upon the application of the wife—upon such evidence as to him seems meet, and upon such notice to the husband as he deems requisite, except in cases where the residence of the husband is not known when notice shall not be necessary, dispense with the execution of the deed or conveyance by or concurrence of the husband therein in any deed or conveyance of the real estate of his wife and enable the wife effectually to convey such real estate without such execution by or concurrence of the husband, and free from any estate of the husband by the curtesy, and all acts or deeds done or executed by the wife, in pursuance of such order in regard to her real estate shall be done, executed, or made by her in the same manner, and with the same effect as if she were a *feme sole*, and when so done, executed, or made by her shall be as good, valid and effectual as they would have been if the husband had become a party to and executed the same.

10. Such order may be in the form following, or to the Form of order like effect:—

“THE MARRIED WOMAN'S REAL ESTATE ACT.”

Upon application of *A. B.*, of the wife of *C. D.*,  
(or formerly of, etc.) I, one of the Judges of the  
High Court of Justice for Ontario (or as the case may be), do, pursuant to  
“*The Married Woman's Real Estate Act*,” order that the said *A. B.* may,  
in the same manner, and with the same effect, as if she were a *feme sole*,  
and free from any estate of her husband by the curtesy, bargain,  
sell, and convey all or any part of her estate, title, and interest of, in,  
to or out of all and singular (*describe the premises*).

Dated this

day of

*A. D.*

(*Signature of Judge*).

11. Such order may be in duplicate or in as many parts as are necessary, and shall be signed by the Judge, and may be registered in the registry office of the registry division wherein the lands to which the same relates are situate, upon its production and deposit, without any proof thereof; and such registration may take place either before or after the execution of the deed made in pursuance of such order.

12. Such order may, if desired, be indorsed or written upon the deed to which the same relates, in which case it shall be registered as part of the deed.

13. For the registration of such order, including all necessary entries and certificates, the registrar shall be entitled to a fee of \$1, unless the order is indorsed or written upon the deed, in which case no fee shall be payable in respect of the registration thereof.



Judge's fee for order.

14. For every such order including every duplicate or other part thereof, the Judge shall be entitled to his own use to a fee of \$2; but no other fee or charge of any kind shall be payable in respect thereof, either to the clerk or otherwise.

Description of property where order written on deed.

15. If such order is indorsed or written upon the deed to be made in pursuance thereof, the real estate to which the same relates may be described in the order by reference to the description contained in the deed.

Filing of papers on application.

16. The affidavits and papers upon which the order is obtained shall be filed in the office of the clerk of the Court of which the Judge granting the order is a Judge; and for filing said affidavits and papers the clerk shall be entitled to the same fees as he is entitled to for filing papers in other cases.

Rights of married women to convey real property.

3. Nothing in this Act contained shall be taken or construed as meaning or implying that a married woman may not, without and irrespective of any of the provisions contained in this Act, validly execute and make any deed, transfer or conveyance of her real estate, or of any right or interest therein, in all respects as if she were a *feme sole*.

## CHAPTER 22.

### An Act to amend the Act to secure to Wives and Children the Benefit of Life Insurance.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation of expressions in Rev. Stat. c. 136.

1. The expressions "Contract of Insurance," and "Policy of Insurance," and "Policy," wherever they occur in *The Act to secure to Wives and Children the Benefit of Life Insurance*, include any certificate or contract hereinafter mentioned or in any way relating to life insurance.

Application of Rev. Stat. c. 136.

2. The provisions of the said Act extend and apply to membership, beneficiary and other certificates and contracts relating to life insurance issued or entered into by any society or association of persons for any fraternal, provident, benevolent, industrial or religious purpose, among the purposes of which is the insurance of the lives of the members thereof exclusively, or by any association for the purpose of life insurance formed in connection with any such society or organization and from its members, and which insures the lives of such members, including certificates or contracts heretofore issued or entered into.

3. Section 6 of the said Act is amended by inserting after the word "vary" in the third line thereof the following words, Rev. Stat. c. 136, s. 6, amended. "a policy or a declaration or," and by inserting after the word "expressed" in the fifth line thereof, the words "or declared," and by inserting after the word "benefit" in the sixth line thereof, the following words, "of the wife and children or."

4. Section 24 of the said Act is amended by inserting after the word "benefited" therein, the words "whether by original insurance, by written declaration or instrument of apportionment." Rev. Stat. c. 136, s. 24, amended.

## CHAPTER 23.

### An Act respecting the Maintenance of Wives deserted by their Husbands.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Married Women (Main- Short title. tenance in case of Desertion) Act, 1888.*

2. Any married woman, deserted by her husband, may summon her husband before any Stipendiary or Police Magistrate, or any two of Her Majesty's Justices of the Peace; and thereupon such Magistrate or Justices, if satisfied that the husband, being able wholly or in part to maintain his wife, or his wife and family, has wilfully refused or neglected so to do, and has deserted his wife, may order that the husband shall pay to his wife such weekly sum, not exceeding \$5.00, as the Magistrate or Justices may consider to be in accordance with his means and with any means the wife may have for her support and the support of her family. Order by magistrate for payment of weekly sum.

3.—(1) In case of non-payment of any sum so ordered, together with the costs, for the space of twenty-one days after the order has been made, or such less time, if any, as the order may provide, and when and so often as the payment so ordered is in arrear, such married woman may procure from the Magistrate or Justices making the said order a summons returnable on the tenth day after the service thereof, and such summons may be served either personally on the husband or in such other manner as the Magistrate or Justices may in writing direct, requiring the husband to attend at the time and place mentioned in said summons, to shew cause why a warrant of distress should not issue for the levying by distress of any of the sums ordered to be paid by him under the preceding section, together with the said costs, and the costs of and incidental to such summons under this section. Distress in case of non-payment.

(2) The person obtaining such summons and all witnesses whom the Magistrate or Justices think requisite may be examined on oath touching the enquiries to be made on the return of such summons.

(3) If the party so summoned does not attend as required by the summons, or allege a sufficient reason for not attending, or does not satisfy the Magistrate or Justices that he is unable to pay the sum ordered to be paid under section 2 of this Act, the said Magistrate or Justices shall issue his or their warrant of distress for the levying of the sum so ordered, together with the costs, and the costs of and incidental to such summons and of the distress.

Power to vary order.

4. The Magistrate or Justices by whom an order for payment was made, or other Magistrate or Justices sitting in his or their stead at his or their request, shall have power, from time to time, to vary the order on the application of either the husband or wife, upon proof that the means of the husband or wife have been altered in amount since the making of the original order, or any subsequent order varying it.

Order not to be made when wife guilty of adultery.

5. Provided always, that no order for payment of any sum by the husband shall be made in favour of a wife who is proved to have committed adultery, unless the adultery has been condoned; and that any order for payment may be discharged by the Magistrate or Justices by whom the order was made, or by the Magistrate or Justices sitting in his or their stead at his or their request, upon proof that the wife has, since the making thereof, been guilty of adultery.

Trial to be private.

6. All cases arising under this Act shall be tried in private at the discretion of the Magistrate or Justices.

Effect of finding as to adultery.

7. In case it is held by the Magistrate or Justices that adultery has been proved, the judgment or finding shall not be evidence of the adultery except for the purpose of proceedings under this Act.

Application for and service of summons.

8. A summons under this Act shall be applied for and granted, and served in the same manner as summonses are now applied for, granted and served in cases of assault, or in such other manner as the Magistrate or Justices, shall direct; and the said Magistrate or Justices, or other Magistrate or Justices sitting in his or their stead, may rehear the summons, at the instance of the husband, at any time, and confirm, discharge, or vary any previous order thereon as he or they may think just.

Signing summons.

9. Where any matter under this Act is to be tried by two Justices, the summons may be signed by one of such Justices.



**10.** The forms of order, summons and warrant to be <sup>Forms.</sup> issued in pursuance of this Act may be the same or to the like effect as those contained in the schedules hereto.

**11.** The husband or wife may appeal from any order or <sup>Appeal.</sup> decision of the Magistrate or Justices to the Judge of the Division Court without a jury, the appeal to be heard at such time and place as he appoints, and the practice as to such appeals, and the powers of the Judge shall, in other respects be the same, as nearly as may be, as by *The Act respecting Master and Servant* are provided for the appeals therein mentioned, save that no bond shall be required, and that proceedings on the order appealed from shall not be stayed pending the appeal, and that where the husband is the appellant he shall pay all costs. <sup>Rev. Stat. c. 138.</sup>

## SCHEDULE A.

### FORM OF SUMMONS.

(Section 2.)

|   |   |                              |
|---|---|------------------------------|
| Ontario<br>County of<br>(or City or District) | } | To A. B., of<br>(Occupation) |
|---|---|------------------------------|

Whereas application has this day been made by your wife, *C. D.*, to the undersigned Police Magistrate, (or Stipendiary Magistrate or Justices of the Peace, *as the case may be*) for the County of \_\_\_\_\_ for a summons under *The Married Women (Maintenance in case of Desertion) Act, 1888*, for that you have wilfully refused or neglected to maintain your said wife (or your wife and family, *as the case may be*), and that you have deserted your said wife. These are, therefore, to command you in Her Majesty's name to be and appear before the undersigned, or such Magistrate or Justices as may then and there be present in my (or our) stead, at \_\_\_\_\_ on the \_\_\_\_\_ day after the service hereof, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to shew cause why an order should not be made against you, ordering you to pay to your said wife, *C. D.*, for her support (or for the support of her and her family, *as the case may be*) such weekly sum not exceeding \$5, as the undersigned or such other Magistrate or Justices as may then be present in my (or our) stead, may consider to be in accordance with your means and with the means of your said wife.

Given under \_\_\_\_\_ hand and seal \_\_\_\_\_ day of \_\_\_\_\_  
in the year 18 \_\_\_\_\_, at \_\_\_\_\_ in the County (or District or City, *as the case may be*) aforesaid.

J. S. [L. S.]

## SCHEDULE B.

## FORM OF ORDER.

(Section 2)

Ontario  
County of  
(or City or District)

Upon reading the Summons dated the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_, and issued by \_\_\_\_\_ Police Magistrate for the (or Stipendiary Magistrate or Justices of the Peace for the \_\_\_\_\_) upon the application of C. D., of \_\_\_\_\_ wife of A. B., of \_\_\_\_\_ (Occupation) under the provisions of *The Married Women (Maintenance in case of Desertion) Act, 1888*, and upon hearing all parties (or as the case may be) and the evidence adduced, and it appearing that the said C. D. is entitled to the benefit of said Act \_\_\_\_\_ I (or we) the undersigned, do hereby order that the said A. B. do pay hereafter to his said wife, C. D., or her lawfully authorized agent in writing, at the sum of \$ \_\_\_\_\_ per week for her support (or for the support of her and her family), the first weekly payment to be made on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_, together with the costs of these proceedings, which amount to \$ \_\_\_\_\_

Given under \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year A.D. 18\_\_\_\_, at \_\_\_\_\_ in the County (or District or City, as the case may be) aforesaid.

J. S. [L.S.]

## SCHEDULE C.

## FORM OF SUMMONS AFTER DEFAULT.

(Section 3.)

Ontario  
County of  
(or City or District.)

To A. B., of  
(Occupation)

Whereas under and by virtue of the provisions of *The Married Women (Maintenance in case of Desertion) Act, 1888*, by order dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 18\_\_\_\_, and made by \_\_\_\_\_ Police Magistrate for \_\_\_\_\_ (or Stipendiary Magistrate or two of Her Majesty's Justices of the Peace for \_\_\_\_\_) you were ordered to pay to your said wife C. D. the sum of \$ \_\_\_\_\_ per week, together with costs of obtaining the order in that behalf, amounting to \$ \_\_\_\_\_; and whereas it is alleged by the said C. D. that you have made default in payment of said sum and costs, and that there is now due and owing, by virtue of said order, the sum of \$ \_\_\_\_\_. You are therefore hereby summoned to appear before me (or us) or such other Police (or Stipendiary Magistrate or Justices of the Peace for \_\_\_\_\_), acting in my (or our) stead as may then and there be present at \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, on the tenth day after service hereof, to show cause why a warrant of distress should not issue for the levying by distress and sale of your goods and chattels, of such weekly sum so remaining unpaid, together with the said costs and the costs of and incidental to these proceedings.

Given under \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_, at \_\_\_\_\_ in the County (or City or District, as the case may be) aforesaid.

J. S. [L. S.]

SCHEDULE

## SCHEDULE D.

## FORM OF WARRANT OF DISTRESS.

(Section 3 (3).)

Ontario }  
 County of }  
 (or City or District.) }

Be it remembered, that on \_\_\_\_\_ a summons was issued by the undersigned Police Magistrate (or Stipendiary or two of Her Majesty's Justices of the Peace for \_\_\_\_\_ for that (*stating the facts, with the time and place*) and now at this day, to wit, on \_\_\_\_\_ at \_\_\_\_\_ the parties aforesaid appear before the undersigned Police Magistrate for (or Stipendiary Magistrate or Justices of the Peace, *as the case may be*) (or, the said C. D. appears before the undersigned, but the said A. B., although duly called, does not appear by himself, his counsel or agent) and it is now satisfactorily proved to me (or us) on oath, that the said A. B. was duly served with the said summons in this behalf, which required him to be and appear here on this day before me or such other Police (or Stipendiary Magistrate or Justices of the Peace for the County of \_\_\_\_\_) as should now be here, in my (or our) stead, to show cause why a warrant of distress should not issue against him in respect of his default in payment of certain sums and costs remaining unpaid as aforesaid. And now having heard the matter of the said summons, I (or we) do adjudge the said A. B. to pay to the said C. D. the said sum of \$ \_\_\_\_\_ forthwith, and also to pay to the said C. D. the sum of \$ \_\_\_\_\_ for her costs in this behalf, and if the said several sums are not paid forthwith, then I (or we) hereby order that the same be levied by distress and sale of the goods and chattels of the said A. B.

Given under \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
 A.D., 18 \_\_\_\_\_ at \_\_\_\_\_ in the County (or City or District, *as the case may be*) aforesaid.

J. S. [L. S.]

## CHAPTER 24.

## An Act to provide for the incorporation of Cheese and Butter Manufacturing Associations.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) At any time hereafter, any five or more persons who desire to associate themselves together for the purpose of manufacturing cheese or butter, may make, sign and acknowledge before a notary public, commissioner, or justice of the peace, in duplicate, and file in the office of the registrar of the registry division in which the business is to be carried on, a certificate in writing, in the form mentioned in the schedule to this Act, or to the same effect, together with the rules and regulations, signed by such persons respectively. (2)

Mode of  
incorporation.



(2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before a notary public, justice of the peace, or commissioner authorized to take affidavits, or before the registrar or deputy-registrar.

(3) Upon the filing of the certificate and rules as aforesaid, the members of the association shall become a body corporate, by the name therein described, with the power to hold such lands as are required for the convenient management of their business.

(4) The registrar or deputy-registrar shall, if desired by the person filing the certificate, endorse on the other duplicate certificate and upon the duplicate of the rules certificates of the other duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association.

(5) All rules made by the association may be repealed, altered or amended by other rules passed at a regular meeting called for that purpose, provided no such new rule shall have any force or effect until a copy, proved by the affidavit of the president or other head officer of the association to be a true copy of the rule or rules passed by the association at a meeting specially called for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed.

(6) The association shall cause a book to be kept by the secretary, or by some other officer especially charged with that duty, wherein shall be kept,

(a) A duplicate of the certificate and of the rules filed as aforesaid in the office of the registrar, so that persons becoming members of the association may sign the said certificate and rules.

(b) Any person so desiring to become a member of, or a stockholder in the said association after incorporation as aforesaid, may sign the said certificate and rules in the said book and shall thereupon become such member, and he shall be entitled to the rights and privileges thereof, and shall become liable as such member as fully as though he had signed the certificate prior to the said incorporation of the association.

Restriction as to name of company.

2. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the public.

Certificate to be registered in every division in which business carried on.

3. Any certificate so to be filed may designate any one or more places where the business is to be carried on; but if in different registry divisions, a duplicate must be filed in the registry office of each division.

4. A member of an association incorporated under this Act Shares.  
may have shares therein to an amount mentioned in the by-laws of the association not to exceed \$1,000.

5. Before an association commences operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the association, which shall contain—(1) a mode of convening general and special meetings; (2) provisions for audit of accounts; (3) power and mode of withdrawal of members; (4) appointment of managers and other officers and their respective duties, and a provision for filling vacancies caused by death, resignation and other causes. Rules of association.

6. The rules of every association registered under this Act shall bind the association and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto; and all moneys payable by any member to the association, in pursuance of said rules, shall be deemed to be a debt due from such member of the association. Rules to be binding on members.

7. The capital of the association shall be in shares of such denomination as mentioned in the rules. Capital stock.

8. The shares of the association shall be transferable subject to the consent and approval of the association. Transfer of shares.

9. All elections shall be by ballot, and each member shall have one vote for each share held by him, in respect of which he is not in default for any calls made thereon. Mode of voting.

10. Every dispute between members or between members and the association established under this Act, or any person claiming through or under a member or under the rules of the association, and the directors, treasurer, or other officers thereof, shall be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties without appeal. Disputes to be referred to arbitration.

11. The liability of the shareholders shall be limited, that is to say, no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association beyond the amount of his share or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability. Liability of shareholders limited.

12. The fees to be charged by the registrar for filing any certificate shall be fifty cents, and for any search relating thereto ten cents. Fees of registrar.

## SCHEDULE.

(Section 1 (1).)

## FORM OF CERTIFICATE.

Province of Ontario, } We (*insert names of subscribers not less than five*)  
 TO WIT: } do hereby certify that we desire to form a company  
 or association pursuant to the provisions of the "Act to provide for the  
 incorporation of Cheese and Butter Manufacturing Associations."

The corporate name of the Association is to be (*insert name of the Association*), and the objects for which the Association is to be formed are (*insert objects for which the Association is formed*). The number of shares is to be unlimited and the capital is to consist of shares of (*insert amount of shares*) each, or of such other amount as shall, from time to time, be determined by the rules of the Association. The number of the trustees who shall manage the affairs of the Association shall be (*insert the number of trustees*), and the names of such trustees are (*insert names of trustees*), and the name of the place (*or places*) where the operations of the said Association are to be carried on is (*or are*) (*insert name of place or places where the operations of the said Association are to be carried on.*)

Dated the            day of

(Signatures.)

On the            day of            A.D. 18   , before me personally  
 appeared (*insert names of subscribers to the certificate*) to me known to be  
 the individuals described in the foregoing certificate and they severally  
 before me signed the said certificate and acknowledged that they signed  
 the same for the purposes therein mentioned.

A. B.,  
 Justice of the Peace, or  
 Commissioner for taking Affidavits, or  
 Notary Public.

## CHAPTER 25.

## An Act to amend the Act respecting Insurance Companies.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of  
 the Legislative Assembly of the Province of Ontario,  
 enacts as follows:—

Rev. Stat. c.  
 167, s. 137, (1),  
 amended.

1. Sub-section 1 of section 137 of *The Act respecting Insurance Companies* is amended by inserting in the eighth line thereof, after the word "months," the words, "after such death," and by adding to the said sub-section the following:—

(a) Where the policy provides that the insurance money may be paid to the personal representative appointed by the Court of the Province in which the deceased was resident or domiciled at the time of his death, the money may be paid to such representative accordingly at any time after the death aforesaid or according to the terms of the policy.

CHAPTER



## CHAPTER 26.

## An Act to amend the Act respecting Benevolent, Provident and other Societies.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 3, of section 2, of *The Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887, is hereby amended by adding after the word "Act," in the fourth line of said sub-section, the words following: "And on the production of such evidence as shall establish to his satisfaction that the proposed name of the society is not the name of any other known incorporated or unincorporated company or society, or a name liable to be unfairly confounded therewith, or a name otherwise on public grounds objectionable."

Rev. Stat.  
c. 172, s. 2 (3)  
amended.

## CHAPTER 27.

## An Act to amend the Act respecting Cemetery Companies.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Act respecting Cemetery Companies* is hereby amended, by adding thereto the following section:

Rev. Stat. c.  
175, amended.

34. Any company incorporated under this Act may convey its property to any municipal corporation, under and subject to the conditions contained in sub-sections 11, 12 and 13 of section 489 of *The Municipal Act*.

Power to convey property to municipal corporations.

## CHAPTER 28.

## The Municipal Amendment Act, 1888.

[Assented to 23rd March, 1888.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Commence-  
ment of Act.

1. This Act may be cited as *The Municipal Amendment Act, 1888*, and shall come into force on the 1st day of August, 1888, except as to section 16, which shall come into force on the 1st day of November, 1888.

Rev. Stat. c.  
184, s. 24,  
amended.

2. Section 24 of *The Municipal Act* is amended by adding thereto the following sub-sections:

(4) In case a petition signed by one hundred and fifty qualified municipal electors of any town or incorporated village, be presented to the council of such town or incorporated village asking that a by-law be submitted for the annexation of such town or incorporated village to an adjacent village, town or city, either unconditionally or upon such terms as may be set out in said petition, it shall be the duty of such council to submit a by-law for the annexation of the said incorporated village or town to the vote of the municipal electors of the said town or incorporated village, and said council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petition, and shall submit the same to the said municipal electors for approval or otherwise within four weeks after the receipt of the petition by the said council.

(5) A by-law which is duly carried, under the provisions of the last preceding sub-section, by the vote of the municipal electors of said town or incorporated village shall, within a reasonable time, but not exceeding one month thereafter, be adopted by said council.

(6) Thereupon the council of such adjacent village, town, or city may, by resolution, assent to the annexation of such town or incorporated village aforesaid.

(7) In the event of the annexation of any such town or incorporated village as aforesaid having been approved of and assented to in manner hereinbefore provided, the same may be carried into effect by proclamation of the Lieutenant-Governor in Council, as hereinbefore provided.

Rev. Stat.  
c. 184, s. 48,  
amended.

3. Section 48 of the said Act is hereby amended by adding thereto the following sub-section:

(2)

(2) The treasurer of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under section 152 of *The Assessment Act*.

Delivery of  
books to  
treasurer.

4. Section 49 of the said Act is hereby amended by adding thereto the following sub-sections:

Rev. Stat.  
c. 134, s. 49  
amended.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time.

Execution of  
writs.

(3) All actions and proceedings in any Court which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution and other processes, and all acts and proceedings subsequent thereto, may, (subject to any order to the contrary being made), be taken, issued, and had in the county in which such actions and proceedings were originally commenced as fully and effectually as if the junior county had not been separated from the senior county; and subject to the provisions of the next sub-section, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the dissolution had not taken place.

Pending ac-  
tions.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the senior county, if it, at the said time, did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force; provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the senior county to expire, or shall not have otherwise lost his priority.

Continuation  
of writs in  
hands of  
sheriff at time  
of dissolution.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number, limits and extent of the Division Courts for the new county, to take effect from a day to be named

Division  
Courts.



Rev. Stat. c. 51.

named, subject to be thereafter altered under the provisions of *The Division Courts' Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned Court as if they had been commenced therein.

Chattel mortgages.

(6) All chattel mortgages relating to property within any of the townships, cities, towns or incorporated villages forming the new county, at the date the proclamation takes effect, shall until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed therein, together with a certified copy under the hand of the clerk and seal of the County Court, and no chattel mortgage in force at the said date shall lose its priority by reason of its not being filed in the new county prior to its renewal.

Rev. Stat. c. 184, s. 65, repealed.

5. Section 65 of the said Act is hereby repealed, and the following substituted therefor:—

Certificates as to election and number of voters to be filed by reeves and deputy reeves.

65.—(1) No reeve or deputy reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand and the seal of the municipal corporation, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification, as such reeve or deputy reeve; nor, in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other person having the legal custody of the last revised voters' list for the municipality which he represents, that there appear upon such voters' list the names of at least 500 persons, entitled to vote at municipal elections, for the first deputy reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons on said list entitled to vote at municipal elections, below 500 for each additional deputy reeve, has taken place since the said voters' list was last revised.

(2) In counting the names of voters referred to in this section and in sections 69, 70 and 71 the name of the same person shall not be counted more than once in any municipality, whether the name of such person appears upon the voters' lists only once or more than once.

Rev. Stat. c. 184, s. 67, repealed.

6. Section 67 of the said Act is hereby repealed, and the following substituted therefor:—

67. The declaration in section 65 mentioned may be in the following form :—

Form of declaration as to number of voters.

I, A. B., of \_\_\_\_\_, Gentleman, Clerk of the Township, (Town or Village, *as the case may be*) of \_\_\_\_\_, in the County of \_\_\_\_\_ do hereby declare and affirm as follows :

(1) That I am the person having the legal custody of the last revised voters' list for the said Township (Town or Village *as the case may be*.)

(2) That there appear upon the said list the names of at least hundred (500 *for each Deputy Reeve*) persons entitled to vote at municipal elections in the said Township (Town or Village *as the case may be*.)

(3) That no alteration reducing the limits of the said municipality, and the number of persons entitled to vote at municipal elections, below hundred (500 *for each Deputy Reeve*), has taken place since the said list was last revised.

(4) That in counting the names of the voters on the said list, the names of the voters thereon have not, to the best of my information, knowledge or belief, been counted more than once, whether they appear upon the said list once or more than once.

A. B.

7. Sub-section 1 of section 69 of the said Act is amended by striking out all the words in the said sub-section from the word "and," in the seventh line thereof, to the word "deputy reeve," in the thirteenth line thereof, both inclusive, and substituting the following words in lieu thereof: "and if the town had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then a deputy reeve shall be added, and for every 500 additional names of persons so entitled to vote on such list there shall be elected an additional deputy reeve."

Rev. Stat. c. 184, s. 69 (1), amended.

8. Sections 70 and 71 of the said Act are hereby repealed and the following substituted therefor :

Rev. Stat. c. 184, ss. 70 and 71 repealed.

70. The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then of a reeve, deputy reeve and three councillors, and for every additional 500 names of persons entitled to vote on such list there shall be elected an additional deputy reeve instead of a councillor.

Incorporated village councils.

71. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward, where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then the council shall consist of a reeve, deputy reeve and three councillors, and for every 500 additional names of persons entitled to vote on such list, there shall be elected an additional deputy reeve instead of a councillor.

Township councils.

Rev. Stat. c.  
184, s. 73,  
amended.

**9.** Section 73 of the said Act is hereby amended by adding thereto the following sub-sections :

When aliena-  
tion of prop-  
erty rated  
not to dis-  
qualify.

(2) No person who has, or whose wife has, property duly rated on the last revised assessment roll, sufficient to qualify him as in the preceding sub-section required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property between the date of the return of the assessment roll and the time of his election, provided that at the time of his election such person is resident within the municipality and has, or his wife has, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable estate of sufficient assessed value to qualify him for election under the preceding sub-section.

(3) In the case of the election of a person qualified under the preceding sub-section, the oath of office under sub-section 2 of section 270 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said sub-section, and inserting in lieu thereof the words "and I had such an estate actually rated on the last revised assessment roll of this township (naming it) at an amount not less than \$2,000."

Rev. Stat. c.  
184, s. 107,  
amended.

**10.** Section 107 of the said Act is hereby amended by adding thereto the following sub-sections :

Nomination of  
councillors in  
towns.

(2) The council of any incorporated town, divided into wards may, by by-law, provide that the nomination for councillors for the several wards shall be held at the same time and place as the nomination for mayor, reeve and deputy reeve.

(3) Where no such by-law is passed the nomination of councillors in such town shall take place as provided by section 109 of this Act.

(4) Notwithstanding anything herein contained, the council of any incorporated town or village may by by-law provide that the nomination for mayor, reeve, deputy reeve or reeves and councillors may be held at half past seven o'clock in the evening instead of at the hours and times in this Act mentioned.

Rev. Stat. c.  
184, s. 109,  
amended.

**11.** Section 109 of the said Act is amended by adding thereto the following: "And the hour for the nomination of candidates for the offices of aldermen in cities, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon."

Rev. Stat.  
c. 184, s. 167,  
amended.

**12.** Section 167 is amended by adding to sub-section 1 the following article :

(e) Apply for a ballot paper in the name of some other person, whether that name is of a person living or dead, or of a fictitious person, or having voted once and

and not being entitled to vote again at an election shall apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies for a ballot paper.

**13.** Section 263 of the said Act is amended by adding the following sub-sections thereto :

Rev. Stat. c.  
184, s. 263,  
amended.

(3) The council of every town, township and incorporated village shall hold a meeting on the fifteenth day of December in each year, or if such day happen to be a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers of the municipality (if any) and in such other newspapers circulated in the municipality, as the council may direct.

Publication of  
statements of  
assets and  
liabilities.

(a) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the twenty-fourth day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than twelve other conspicuous places therein.

(4) The clerk shall procure not less than one hundred copies of the said statement and shall deliver or transmit by post to the electors who first request him to do so, one of such copies not later than the twenty-fourth day of December in each year and shall also see that copies of the said statement are produced at the nomination.

**14.** The provisions of the preceding section shall not apply to the township municipalities situated in the electoral districts of East Algoma, West Algoma, North Renfrew, Muskoka, Parry Sound, or Haliburton.

Application of  
s. 13 limited.

**15.** Section 271 of the said Act is hereby repealed, and the following substituted therefor :—

Rev. Stat. c.  
184, s. 271,  
repealed.

271. Every member of a municipal council, every mayor, and every clerk, treasurer, assessor and collector, engineer or clerk of works and street overseer or commissioner appointed by a council

Declaration of  
office to be  
made by cer-  
tain officers.



a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :—

Form of declaration of office. I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (or appointed) in this township (*or as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation.

Declaration of returning officers and others. 271 (*a*). Every returning officer, deputy returning officer, poll clerk, constable and other officer appointed by a council shall, before entering upon the duties of the office, make and subscribe a solemn declaration to the effect following :—

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (or appointed) in this township (*or as the case may be*), and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office.

16. The said Act is amended by adding thereto the following as section 320 (*a*) :—

Aid to manufacturers.

320 (*a*)—(1) Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishments, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed in any municipality, shall be necessary in order to the carrying of the by-law, and the words “two-fifths,” where they appear in the said preceding section shall not apply to the passage of such by-law, and for the purposes hereof the said section shall be read as if the words “two-thirds” instead of “two-fifths” were inserted therein.

(2) No municipality shall grant a bonus to a manufacturer under this section who proposes to establish an industry of a similar nature to one already established in such municipality without any such bonus ;

(3) No bonus shall be granted by a municipality to secure the removal thereto of an industry already established elsewhere in the Province ;

(4) No municipality shall grant a bonus in aid of any manufacturing industry, where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by said municipality, require an annual levy for principal and interest, exceeding ten per cent. of the total annual municipal taxation thereof ; (5)

(5) This section shall not apply to the districts of Muskoka, Parry Sound, Algoma East and Algoma West, nor to any of the municipalities therein, nor shall it affect any by-law heretofore adopted or passed, the vote taken thereon or the bonds or debentures issued or to be issued in pursuance thereof.

**17.** Section 436 of the said Act is amended by adding the following sub-section thereto:—

Rev. Stat. c.  
184, s. 436,  
amended.

(3) The board of commissioners of police shall also regulate and control children engaged as:

- (a) Express or despatch messengers;
- (b) Vendors of newspapers and small wares;
- (c) Bootblacks.

**18.** Section 460 of the said Act is amended by adding thereto the following sub-sections:

Rev. Stat. [c]  
184, s. 460,  
amended.

(4) Any two or more local municipalities shall have the same powers and rights as to acquiring, holding and maintaining an industrial farm, or acquiring, erecting and maintaining a house of industry or refuge as any county or city or united or contiguous counties or city or town and county now have under and by virtue of this Act or otherwise, and may arrange with any other local municipality or municipalities for the admission upon such terms and conditions as may be agreed upon between them, of such other local municipality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry or refuge, or any agreement or by-law therefor or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the passing of this Act shall be as valid and binding for all purposes as though made, entered into or passed after the passing hereof.

(5) All the provisions of this Act relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge acquired, erected, occupied or maintained thereby as fully as to any other municipality or municipalities in the preceding sub-section mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them.

**19.** Section 462 of the said Act is amended by adding the following sub-sections thereto:—

Rev. Stat. c.  
184, s. 462,  
amended.

3. For erecting and establishing within a city having a population of 50,000 and upwards an institution for the reclamation and cure of habitual drunkards.

(4)

4. For committing and sending with or without hard labour to the institution for the reclamation and cure of habitual drunkards by the mayor, police magistrate or justice of the peace, while having jurisdiction in the municipality, such drunkards as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the thirty-sixth year of Her Majesty's reign, and as may by the council be deemed and by by-law be declared expedient.

5. In the event of any city establishing an institution for the reclamation and cure of habitual drunkards under the provisions of this Act, sections 97 to 108, both inclusive, of chapter 246 of the Revised Statutes of Ontario, 1887, shall be applicable thereto as if such institution had been named in said Act.

Rev. Stat. c.  
184, s. 479 (15),  
amended.

**20.** Sub-section 15 of section 479 of the said Act is hereby amended by inserting after the word "land" in the fifth line thereof the words "in or adjacent to the municipality," and by striking out the word "subject" in the sixth line thereof, and inserting in lieu thereof the following words "and for entering upon, taking or using any land not adjacent to the municipality for the purpose of providing an outlet for any sewer, but subject always."

Rev. Stat. c.  
184, s. 479,  
amended.

**21.** The said section 479 of the said Act is further amended by adding thereto the following as sub-section 16a :

(a) For regulating the size and strength of walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all buildings for inspection, and for enforcing observance of such regulations.

Rev. Stat. c.  
184, s. 489 (11),  
amended.

**22.** Sub-section 11 of section 489 of the said Act is hereby amended, by inserting the words "or cemetery or the cemetery company owning any burying-ground or cemetery" after the words "burying-ground," in the twelfth line of the said sub-section.

Rev. Stat. c.  
184, s. 489,  
amended.

**23.** The said section 489 of the said Act is hereby further amended by adding thereto the following sub-section as sub-section 9 (a) thereof :—

Regulating  
transient  
traders.

(9a) Or for requiring all transient traders who occupy premises in the municipality, and are not entered upon the assessment roll in respect of income or personal property, and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay before commencing to trade a sum, in cities, not to exceed \$100, and in other municipalities not to exceed

\$50



\$50 by way of license, and for providing that the sum so paid as license shall be credited to the trader paying the same upon and on account of taxes for the unexpired portion of the then current year, as well as any subsequent taxes, should such trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used by the municipality as a portion of the license fund of such municipality: but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the municipality in which the insolvent carried on business therewith, at the time of the issue of a writ of attachment or of the execution of an assignment.

**24.** Section 505 of the said Act is hereby amended by adding thereto, at the end thereof, the words following:—  
 “Provided always that where any city having a population in excess of fifty thousand shall have constructed gas or water works under the authority of this Act, or under the authority of *The Municipal Water Works Act 1882*, or under the authority of any special Act or Acts, or shall hereafter construct such works under the authority of the said Acts or any future amendments of the same, and shall have raised the money for the purchase or construction of such works, or shall hereafter so raise the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works from time to time on the whole ratable property of the said corporation by by-laws to be passed as required by sub-section 13 of section 504 of this Act, and without complying with the requirements of this section,” and it shall not be necessary to obtain the assent of the electors or ratepayers to such by-law or by-laws, provided the same shall first be approved of by the Lieutenant-Governor in Council, it being first shewn to the satisfaction of the Lieutenant-Governor in Council that the proposed extensions are necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws, three-fourths of all the members of the council shall vote in favour of the same.

Rev. Stat. c.  
184, s. 505,  
amended.  
  
45 V. c. 25.

**25.** Section 509 of the said Act is amended by adding thereto the following sub-section:—

Rev. Stat. c.  
184, s. 509,  
amended.

2. For making grants in aid of any high school or collegiate institute, or to build, preserve, enlarge or improve any high school or collegiate institute in any adjacent or other municipality.



County council may pass by-law regulating the width sleighs.

**26.** The said Act is amended by adding thereto the following as section 511 (a) :—

511 (a)—(1) The council of any county may pass a by-law providing that no sled, sleigh, or other vehicle upon runners (except cutters or pleasure sleighs) drawn by horses or other animals, shall be used by any person residing within the county for the conveyance of persons or goods, on any of the roads or highways within the county, unless the runners thereof shall be apart from each other at the bottom, at least, three feet, nine inches ; Provided that no such by-law shall apply to any sled, sleigh or other vehicle upon runners owned or used by any person not resident within the said county.

Power to exempt from by-law.

(2) The council in passing such by-law may exempt from its operation all sleds, sleighs or vehicles on runners owned at the time of the passing of such by-law by any persons resident within the county.

When by-law to come in force.

(3) The by-law shall not come into force until the expiration of one year from the time of the passing thereof, or such further time as the council may determine upon.

Rev. Stat. c. 184, s. 521, amended.

**27.** Section 521 of the said Act is hereby amended by adding thereto the following sub-sections :—

(19) For regulating the distance from any public highway within the municipality within which unenclosed portable steam-engines may be used for running a saw mill or shingle mill, and preventing the use of the same for either of such purposes within such distance.

(20) For imposing penalties on parties setting up or operating a portable steam-engine for either of such purposes in contravention of such by-law.

Rev. Stat. c. 184, s. 522 (1), amended.

**28.** Sub-section 1, of section 522, of the said Act is amended by adding thereto the following words : “ And if the council receiving such notice shall neglect the said duty, and by reason of such neglect any public road, street, bridge, or highway in either of the said townships shall be out of repair, the corporation in default, but not the corporation that served the notice, shall, besides being subject to any punishment or proceeding provided by law, be civilly responsible for all damages sustained by any person by reason of such want of repair ; but the action must be brought within three months after the damages have been sustained.”

Rev. Stat. c. 184, s. 522 (2), repealed.

**29.** Sub-section 2 of the said section 522 of the said Act is hereby repealed.

Rev. Stat. c. 184, s. 532, amended.

**30.** Section 532 of the said Act is hereby amended by inserting in the seventh line thereof, after the word “ streams,” the words “ or ponds or lakes,” and also by inserting in the eleventh line of said section after the word “ rivers,” the words “ or ponds or lakes.”

**31.** Section 535 of the said Act is amended by adding the following sub-sections thereto:—

Rev. Stat. c.  
184, s. 535,  
amended.

(3) Where a river or stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated.

When county  
council to keep  
river or stream  
free of drift-  
wood.

(4) In the case of any river or stream which forms a boundary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated; and in case the councils fail to agree as to the respective portion of the expense to be borne by the municipalities interested, the same shall be decided by arbitration under the provisions of this Act, and the award made shall be final.

When  
councils of  
counties, cities  
or separated  
towns to keep  
stream free  
from drift-  
wood.

**32.** Sub-section 1 of section 550 of the said Act is amended by inserting after the word "contained," in the seventh line thereof, the words "for setting apart and laying out such portions of any such roads, streets, squares, alleys, lanes, bridges or other communications, as the council may deem necessary or expedient for the purposes of carriage ways, boulevards and sidewalks, or for the improvement or beautifying of the same."

Rev. Stat. c.  
184, s. 550 (1),  
amended.

**33.** Section 613 of the said Act is amended by adding thereto a sub-section as follows:—

Rev. Stat. c.  
184, s. 613,  
amended.

(2) In any case where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer shall hereafter be constructed, such sewer shall be constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, then, and in every such case, the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner hereinafter provided by sections 618 and 619 of this Act.

**34.** The said Act is amended by adding thereto the following as section 635 (a) :

635 (a)—(1) In addition to the powers conferred by section 634 a portion of a township municipality which may be interested in securing the construction of a railway, or through or near which any such railway may pass or be situated, may aid the said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-law

Aid to rail-  
ways by por-  
tions of  
townships.

law for the purpose, and the adoption of such by-law by the qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways.

(2) Before a by-law is submitted under this section to the vote of the ratepayers a petition shall be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged by metes and bounds, or lots and concessions, and shall be signed by fifty freeholders resident in such portion of the township, being duly qualified voters under this Act.

(3) The by-law shall in each instance provide:

(a) For raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

(b) For assessing and levying upon all ratable property lying within the portion of the municipality defined in said by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly, or half yearly, which debentures the councils, reeves and other officers of the municipality are hereby authorized to execute and issue in such cases.

Rev. Stat.  
c. 184, s. 569  
(3), amended.

**35.** Sub-section 3, of section 569 of the said Act, is hereby amended by adding after the word "individuals," in the seventh line thereof, the words "and including roads held by counties or county councils."

Rev. Stat. c.  
184, s. 618,  
amended.

**36.** Section 618 of the said Act is amended by striking out the words "the extension, opening up and improving such street, lane, or alley," occurring in the eleventh and twelfth lines of the said section, and inserting in lieu thereof the words "such works or improvements."

Rev. Stat. c.  
184, s. 619,  
amended.

**37.** Section 619 of the said Act is amended by adding thereto the following sub-section:—

Assessment  
for local im-  
provements in  
townships.

(2) Or, in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided; and where the owners of real property have constructed works or improvements which might have been constructed by the municipality

municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two-thirds in value thereof, acquire the same at a price to be fixed by agreement or by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed, and levied, as for local improvements, upon the real property benefited thereby, as above provided.

- (a) The number of the owners petitioning for the said assessment, and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf, subject to an appeal to the judge of the County Court as in the case of other special assessments for local improvements.

**38.** In addition to the powers given by *The Municipal Water Works Act* and subject to all the provisions of the said Act, including those relating to the making of compensation and otherwise, every municipal corporation may acquire by purchase, demise or gift the right or title to any stream, river, creek, waters, water power, water course or lands situate, being or flowing in or through any such municipality, or within three miles thereof, and build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, weirs or flumes upon, over or across any such stream, river, creek, waters, water course or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams, for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light within the municipality.

Power to acquire water rights.  
Rev. Stat. c. 192.

**39.** When any township municipality is divided by Act of this Legislature for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of *The Public Schools Act*.

School sections in townships divided by special Act.  
Rev. Stat. c. 225.

**40.** When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall, for all school purposes, be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall appoint an arbitrator, who, with the senior County Judge of the county, shall value and adjust, in an equitable manner, the rights and claims of all parties affected by

Provisions as to schools when territory added to a municipality.



by such annexation, and who shall determine by what municipality or portion thereof the same shall be settled, and the award of said arbitrators shall be final and conclusive.

Application of  
ss. 39, 40.

**41.** The preceding two sections of this Act shall apply to all townships divided by Act of this Legislature, and to all proclamations issued since the first day of January, 1887.

## CHAPTER 29.

### The Assessment Amendment Act, 1888.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.**—(1) This Act may be cited as *The Assessment Amendment Act, 1888*.

Commence-  
ment of Act.

(2) All the provisions of this Act except those contained in section 11 thereof, shall come into force and have effect on, from and after the first day of August next after the passing of this Act; and section 11 of this Act shall come into force and effect as in said section specially provided.

Rev. Stat. c.  
193, s. 7 (10),  
amended.

**2.** Sub-section 10 of section 7 of *The Assessment Act*, is hereby amended, by inserting the following after the word "society," in the fourth line, "And all the lands and buildings of every company formed under the provisions of *The Act respecting Joint Stock Companies for the erection of Exhibition Buildings*, where the council of the corporation in which such lands and buildings are situated consents to such exemption."

Rev. Stat. c.  
193, s. 7,  
amended.

**3.** The said section 7 of *The Assessment Act* is hereby further amended by adding thereto the following as sub-section 14a:—

Horses, cattle,  
sheep and  
swine exempt  
from taxation.

**14a.** All horses, cattle, sheep, and swine, which are owned and held by any owner, or tenant of any farm, and when such owner or tenant is carrying on the general business of farming or grazing.

Rev. Stat. c.  
193, s. 14 (3),  
amended.

**4.** Sub-section 3 of section 14 of the said Act is hereby amended by the addition thereto of column thirty-four as follows:—

Column

Column 34—Each and every steam boiler in the municipality used for driving machinery or for any manufacturing purpose, with the name of owner and the purpose for which the same is used.

The clerk of the municipality shall, on the first day of June in each year, return to the Provincial Secretary the number of such steam boilers as shewn by such roll.

5. Section 53 of the said Act is hereby amended by striking out all the words therein after the word "payable," in the tenth line thereof, and adding thereto the following sub-section :

Rev. Stat. c.  
193, s. 53,  
amended.

(2) The council may by by-law or by-laws impose an additional percentage charge not exceeding five per cent. on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, which shall not be paid on the day appointed for the payment thereof, and in towns, villages, or townships, where no day shall have been appointed for payment, the council may by by-law or by-laws impose such percentage on those which shall not have been paid on or before the 14th day of December in each year, there having been fourteen days previous demand as hereinafter provided, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, and be collected by the collector or otherwise, as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof.

Percentage on  
unpaid taxes.

6. Section 94 of the said Act is hereby amended by adding after the word "labour" in the third line of the said section, the words "for the whole or any part of such township."

Rev. Stat. c.  
193, s. 94,  
amended.

7. Section 111 of the said Act is amended by adding thereto, the words "and shall take the declaration of office before a justice of the peace, similar to that of a councillor in a municipal corporation."

Rev. Stat. c.  
193, s. 111,  
amended.

8. Section 114 of the said Act is amended by adding thereto the words "and each householder may be required each year to perform one day's labour," and by adding thereto the following sub-section :

Rev. Stat. c.  
193, s. 114,  
amended.

(2) Any land-owner, owning less than 100 acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in sub-section 1 of this section where the land is in part cleared, and not exceeding two days where no part of the land is cleared.

Liability of  
land owners to  
statute labour.

9. Section 115 of the said Act is amended by adding thereto the following words "the commissioners shall have the same powers as municipalities have in reference to statute labour, to appoint overseers and require returns to be made to them of the labour performed in their districts respectively."

Rev. Stat. c.  
193, s. 115,  
amended.

10. The said Act is amended by adding thereto the following section as section 118a :

Penalty for neglect to serve as commissioners.

118a. The commissioners, when duly elected, shall serve during the term they are elected for or forfeit the sum of \$5, which may be sued for, together with costs, in any Court having jurisdiction, by any three electors making the complaint.

Entry of voters on assessment roll.

11.—(1) Every assessor shall, in conformity and compliance with the provisions in that behalf of *The Manhood Suffrage Act*, enter on his roll every person entitled to be entered thereon under the said Act.

Certain sections of Rev. Stat., c. 193, repealed.

(2) Sub-sections 11, 12, 13, 14 and 15 of section 2 of *The Assessment Act*, sub-section 2 of section 20 of the said Act, sections 22, 23, and 48 of the said Act, sub-sections 2, 3, 4 and 5 of section 42 of the said Act, so much of sub-section 1 of said section 42 as relates to any wage-earner, and sub-section 2 of section 47 of the said Act are hereby repealed.

Rev. Stat. c. 193, s. 14, amended.

(3) Section 14 of the said Act is hereby amended by omitting therefrom that part thereof commencing with the words "column 4," and ending with the words "the letters L. and F. S." and inserting instead thereof the words following:—

Column 4.—Statement whether the party is a freeholder or tenant by inserting opposite the name of the party the letter "F." or "T." as the case may be ; and where the party is entitled to be entered on the roll as qualified to vote under *The Manhood Suffrage Act*, there shall also be inserted opposite his name in said column the letters "M. F." and where the party is within the meaning of *The Municipal Act*, a "farmer's son," there shall also be similarly inserted the letters "F. S."

Rev. Stat., c. 193, s. 46, amended.

(4) Section 46 of the said Act is hereby amended by omitting therefrom the words "either as a landholder's son or as a wage-earner," and inserting instead thereof the words "as a farmer's son within the meaning of *The Municipal Act*."

Rev. Stat. c. 193, s. 49, amended.

(5) Section 49 of the said Act is hereby amended by substituting for the form of certificate set forth in said section the form following, namely :—

"I do hereby certify that I have set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (*as the case may be*) and the true actual value thereof in each case, according to the best of my information and judgment ; and also that the said assessment roll contains a true statement of the aggregate amount of the personal property or of the taxable income, of every party named on the said roll ; and that I have estimated and set down the same according to the best of my information and belief ; and I further certify, that I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the names of any persons whom I do not truly believe to be a householder, tenant, or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit ; and I further certify that according to the best of my knowledge

ledge and belief, I have entered thereon the name of every person entitled to be so entered either under *The Assessment Act*, or *The Manhood Suffrage Act*, or of any Act amending either of the said Acts, and that I have not intentionally omitted from said roll the name of any person whom I knew, or had good reason to believe, was or is entitled to be entered thereon under any or either of the said Acts; and I further certify that the date of delivery or transmitting the notice required by section 47 of *The Assessment Act* is in every case truly and correctly stated in the said roll; and I further certify and swear (or affirm), (as the case may be), that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid."

(6) This section shall come into force and effect on the first day of January next after the passing of this Act, in every municipality in which by law the date for the return of his roll by the assessor is not later than the thirtieth day of April; and in all other municipalities on the first day of July, 1889.

12. Until other provision is made in this behalf, all proceedings for and in respect of the collection of taxes on lands in Muskoka and Parry Sound shall continue as hitherto and as if the said districts still formed part of the counties of Simcoe and Victoria respectively, anything in *The Act respecting Muskoka and Parry Sound*, to the contrary notwithstanding.

Commence-  
ment of  
section.

Collection of  
taxes in  
Muskoka and  
Parry Sound.  
51 V. c. 13.

## CHAPTER 30.

### The Liquor License Act, 1888.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 142, 148, 149 and 151 of *The Liquor License Act*, are hereby repealed and the following sections substituted therefor:—

Rev. Stat. c.  
194, ss. 142,  
148, 149 and  
151 repealed.

142. The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole or part of any county, or that the second part of *The Canada Temperance Act* is in force in the whole or part of any county, nominate a board of license commissioners of the number, and for the period mentioned in section 3 of this Act, and also an inspector; and the said board and inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to the said Acts or this Act as they respectively have or should perform under this Act.

Commission-  
ers and inspec-  
tors may be  
appointed  
where  
Temperance  
Acts in force.



Expense of enforcing Liquor License Act in municipalities under the Temperance Acts.

148.—(1) The expenses of carrying into effect such of the provisions of this Act, or of the Acts or by-law hereinafter mentioned, as may be in force in municipalities where a by-law prohibiting the sale of intoxicating liquors under *The Temperance Act of 1864*, or where the second part of *The Canada Temperance Act* is in force, except as is hereinafter by this Act provided, shall be borne and paid by the county within which any by-law for prohibiting the sale of liquor under *The Temperance Act of 1864*, or within which the second part of *The Canada Temperance Act* is in force; and where the by-law is that of a minor municipality, such expenses shall be paid by the minor municipality.

Proportion payable by the Province or Municipality, how and when to be paid.

(2) The expenses payable under this section by a county, or by a minor municipality, shall be by them paid into the bank in which the license fund is kept to the credit of the license fund account for the license district, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year shall be made by the board of license commissioners for the license district, and approved by the Provincial Secretary (which approval shall be final and conclusive) and after a copy or duplicate of such estimate and approval, together with a notice in writing by the board of license commissioners requesting payment of the amount payable by the municipality, shall be served upon the clerk of the county, or minor municipality, or on such days and times as by the said request or notice are named for that purpose; and should any estimate prove insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and should any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year.

Payment of proportion, how enforced.

(3) Payment may be enforced against any county, or minor municipality, by the board of license commissioners in any Court of competent jurisdiction in the name and by the title of "The Board of License Commissioners for the License District of \_\_\_\_\_," and it shall not be necessary to mention or include the names of the license commissioners in the proceedings; and the said action or proceedings may be carried on in the name of such board as fully and effectually as though such board were incorporated under the aforesaid name or title. In the event of the death or resignation of any of the license commissioners, or of the expiry of their commission and of the re-appointment of the same, or of the appointment of other license commissioners, the proceedings, or action, shall not cease, abate or determine, but shall proceed as though no change had been made in the commission or license commissioners, and in the event of said board being condemned in costs, the same may be payable out of the license fund.

Minor Municipality, meaning of.

(4) The words "Minor Municipality" in this section shall be held to mean any municipality, other than a county or union of counties.

(5)

(5) In cities, which are separate license districts in which the second part of *The Canada Temperance Act* is in force, the expenses of enforcing or carrying into effect the provisions of the said Act shall be borne by the city, as in the case of counties in which the said second part of the said Act is in force, and such expenses of the city shall be estimated and ascertained, and become due and payable, and payment may be enforced against the city in the same manner or under like circumstances as are provided in the case of county municipalities, and all of the provisions of this Act having reference to the said expenses and the mode of ascertaining, fixing and collecting the same, which are applicable to counties in which the said second part of *The Canada Temperance Act* is in force shall also apply to cities in which the same is in force.

Expenses of enforcing C. T. Act in cities.

149. In any license district in which the second part of *The Canada Temperance Act* is in force and the license district, in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein the said Act is not in force, the license fund of such city or town withdrawn from the county for municipal purposes, shall be kept as a separate license fund for such city or town; and such city or town shall pay a just share of the expenses of such license district; and the same shall be determined by the board of license commissioners; and shall after approval by the Provincial Secretary be paid out of the license fund for such city or town; and in determining such share of expenses the board shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in said city or town.

Payment of expenses of license district where C. T. Act is in force in part only of district.

151. All sums received from duties on druggists' or shop licenses and for wholesale licenses, issued in municipalities in which the second part of *The Canada Temperance Act* is in force, and any sum paid by a municipality for or on account of such expenses, as aforesaid, or by the Province, shall form the license fund of the city, county or license district respectively in which the said second part of *The Canada Temperance Act* shall be in force, and shall be applied, under regulations of the Lieutenant-Governor in Council, towards payment of the salary and expenses of the inspector, and for the expenses of the office of the board of license commissioners and of officers, and otherwise in carrying the provisions of the second part of *The Canada Temperance Act* into effect, and the residue (if any) on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, may be applied on account of the expenses of the succeeding year.

Application of duties for licenses under preceding sections.

2. Section 152 of the said Act is hereby amended by adding thereto the following sub-sections:

Rev. Stat. c. 194, s. 152, amended.

(3) When a license district is formed of part of a county in which the second part of *The Canada Temperance Act* is in force, or of part of two counties in which the second part of the said Act is in force, or of part of a county in which the same is in force and of a county or part of a county in which it is not in force, the commissioners for the district shall estimate the amount of the expenses for the license year required for any such district or portion of district in which the second part of the said Act is in force as aforesaid, and after approval thereof by the Provincial Secretary and the service of a copy or a duplicate thereof and of a notice in writing requesting payment of the same, upon the clerk of the municipality, the amount so estimated and approved shall become due and payable into the license fund by the county at the time or times and in the same manner as is provided for payment of the amount of the estimates in other cases, and the same may be recovered by the board of commissioners for the license district as in other cases.

(4) Where a county has not paid an estimate made before the passing of this Act in respect of any part of a county which forms part of a license district, and which estimate has been approved and where a duplicate or copy thereof has been served as in this section mentioned, the board of commissioners for the license district of which said part of a county forms part may recover the amount of such estimate from the county as in other cases.

Payment of  
portion of  
expenses out  
of consolidated  
revenue.

**3.—(1)** Should the fines and penalties imposed under or by virtue of the said *Temperance Act of 1864*, or the by-law bringing the same in force, or the said *Canada Temperance Act*, and which shall be collected or recovered be insufficient to meet the expenses aforesaid after the payment of the salary and travelling expenses of any Police Magistrate appointed under the Act passed in the 48th year of Her Majesty's Reign, chapter 17, and the Act passed in the 50th year of Her Majesty's Reign, chapter 11, or either of them, or under chapter 72 of the Revised Statutes of Ontario, 1887, the Treasurer of the Province may pay into the license fund, out of the consolidated revenue, a sum not exceeding one-third of the amount which the municipality shall be required to pay for or on account of such expenses, as aforesaid, over and above the fines collected or recovered.

(2) The treasurer of the county or other municipality to which the fines are payable shall keep a separate account of the fines received, and also, of the amount paid or contributed by the municipality towards the expenses of enforcing the Act, and the payment of the salary and expenses of any Police Magistrate appointed under and by virtue of any of the Acts in this section hereinbefore mentioned; and the Province shall not be called upon to pay any proportion of the expenses so long as there is a balance at the credit of the said account.

4. Nothing in this Act contained shall invalidate any estimate, approval thereof, or demand of payment, which shall have been made before the passing hereof, but the amount demanded shall be paid over by the municipality, and payment thereof may be enforced as though this Act had not passed; nor shall anything in this Act contained affect any action or suit or other legal proceedings now pending but the same may proceed as though this Act had not been passed.

5. This Act shall be read with and as part of the said *Liquor License Act*.

Pending proceedings not affected.  
Act to be read with Rev. Stat. c. 194.

## CHAPTER 31.

### An Act respecting Creameries.

[Assented to 23rd March, 1888.]

WHEREAS it is expedient that there should be a uniform standard for milk sent to any creamery for the purpose of being manufactured into butter;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All milk containing less than thirteen per cent. of total solids, of which three and three-quarters per cent. must be chemically dry butter fat, shall be deemed below the standard required in creameries for butter manufacture.

Standard for milk.

2. The owners or board of management of any creamery in the Province of Ontario, may make such rules and regulations as may be advisable for the due carrying on of the business of the creamery.

Power to make rules.

3. The patrons of all creameries may be required to subscribe their names to such rules and regulations, and the rules and regulations shall be binding on the patrons, owners or board of management who have so subscribed.

Rules to be binding on patrons, etc.



## CHAPTER 32.

## An Act to provide against frauds in the supplying of Milk to Cheese or Butter Manufactories.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Notice to be given when milk diluted, etc.

1. No person shall knowingly and wilfully sell, supply, bring or send to a cheese or butter manufactory, or the owner or manager thereof, to be manufactured, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory, that the milk so sold, supplied or brought to be manufactured has been so diluted with water, or adulterated, or had the cream so taken from it, or become milk commonly known as "skimmed milk," as the case may be.

Notice to be given when "strippings" kept back.

2. No person who in the course of his business sells, supplies, brings or sends to any cheese or butter manufactory, or the owner or manager thereof, to be manufactured, the milk of cows, shall knowingly and wilfully, in the course of such dealing and business, keep back any part of the milk known as "strippings," without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory, of his having so kept back such "strippings."

Notice when milk tainted.

3. No person shall knowingly and wilfully sell, supply, bring or send to a cheese or butter manufactory, or the owner or manager thereof, to be manufactured, any milk that is tainted, or partly sour, without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory of such milk being tainted or partly sour.

Penalty for violations of ss. 1-3.

4. Any person who by himself, or by his servant, or agent, violates any of the provisions of the preceding sections of this Act, upon conviction thereof before any justice or justices of the peace, shall forfeit and pay a sum of not less than \$5 nor more than \$50, together with the costs of prosecution, in the discretion of such justice or justices, and in default of payment of such penalty and costs, shall be liable to be committed to the common gaol of the county, with hard labour for any period, not exceeding six months, unless the said penalty and the costs of enforcing same be sooner paid.

5. It shall be lawful for the owner or manager of a cheese or butter manufactory to require the owner or custodian of any cow or cows whose milk is being bought for, or supplied or sent to, the manufactory, to submit such cow or cows at his farm, or other premises, where such cows are usually kept, to such milk test, by persons named by such owner or manager, as may be necessary for the said persons to ascertain the quantity and quality of the milk of such cow or cows, on any day, and at such time on any such day as may be appointed by said owner or manager; and in case the owner or custodian of the cows refuses to so submit them, or obstructs in the execution thereof the persons engaged in making the milk test, or interrupts the test, or interferes in any way with the test, or the application of its result, he shall, on complaint before any justice or justices of the peace, forfeit and pay for every such offence a sum of not less than \$10 nor more than \$100, in the discretion of the justice or justices of the peace who may hear such complaint, together with the costs of prosecution, if so ordered, and in default of payment of such penalty and costs, shall be liable to be committed, by such convicting justice or justices of the peace, to the common gaol of the county, with hard labour, for any period not exceeding six months, or until said penalty and the costs of enforcing same be sooner paid.

Right to test milk.

6. It shall be lawful for the owner or manager of any cheese or butter manufactory, who suspects any person of selling, supplying, sending or bringing milk to the manufactory, of any offence under this Act, to enter upon or to appoint some person or persons to enter upon, and such appointed person may enter upon the premises of the suspected person, with or without notice, and take samples of milk from the cow or cows, from which the supposed offender was or had been immediately before then procuring the milk or part of the milk so sold, supplied, sent or brought as aforesaid, and any such suspected person who obstructs or refuses to permit the taking of any such sample shall, on conviction thereof, be liable to a penalty of not less than \$10 nor more than \$50 with costs of the prosecution, and in default of payment thereof, shall be liable to be imprisoned in the common gaol of the county in which the offence has been committed, for a period not exceeding three months with hard labour.

Right to take samples of milk.

7. For the purpose of establishing the guilt of any person under the first three sections of this Act, it shall be sufficient *prima facie* evidence to shew that such person, by himself, his servant or agent, sold, supplied, sent or brought, to be manufactured, to any cheese or butter manufactory, milk substantially below the standard of that actually drawn, or by the accused represented as having been drawn, from the same cow or cows within the then previous week, provided the comparison

Evidence of violations of ss. 1-3.

parison or test is made by means of a lactometer and cream gauge, or by some other adequate means of making the comparison.

Application of penalties.

8. Any penalty imposed under this Act shall, when recovered, be payable one-half to the informant or complainant and the other half to the treasurer of the local municipality in which the offence has been committed.

## CHAPTER 33.

An Act to regulate the closing of Shops and the Hours of Labour therein for Children and Young Persons.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Ontario Shops' Regulation Act, 1888.*"

Interpretation.

2.—(1) Unless the context otherwise requires, the following words and expressions in this section and in any by-law passed under the provisions of this section shall have the meaning hereby assigned to them respectively, that is to say:—

"Shop" means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail; but not where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, tavern, victualling house, or refreshment house, nor any premises wherein, under license, spirituous or fermented liquor is sold by retail for consumption on the premises.

"Closed" means not open for the serving of any customer; provided that nothing in this section or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

"Local Council" means the municipal council of a city, town, or incorporated village, as the case may be.

"Municipality

“Municipality” means the city, town, or incorporated village, the municipal council whereof, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section.

(2) Any local council may by by-law require that during the whole or any part or parts of the year, all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and continuously after the time and hour fixed or appointed in that behalf by the by-law, but any such time or hour fixed or appointed by a by-law passed under the authority of this sub-section shall not be earlier than seven of the clock in the afternoon of any day.

By-laws determining hours of closing.

(3) If any application is received by or presented to a local council, praying for the passing of a by-law requiring the closing of any class or classes of shops situate within the municipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality and belonging to the class or each of the classes to which such application relates, the council shall, within one month after the receipt or presentation of such application, pass a by-law giving effect to the said application and requiring all shops within the municipality, belonging to the class or classes specified in the application, to be closed during the period of the year, and at the times and hours mentioned in that behalf in the application.

Council to pass by-law on application of occupiers of shops.

(4) A local council may by by-law make regulations as to the form of any application to be made under the preceding sub-section, and as to the evidence to be produced respecting the proportion of persons signing such application, and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon a local council to pass a by-law under said preceding sub-section unless and until, with respect to the application made therefor, all such regulations have been duly observed.

Regulations as to form and proof of applications.

(5) If the application mentioned in the next preceding two sub-sections is delivered to the clerk of a council, it shall be deemed to have been presented to and received by the council within the meaning of said preceding sub-sections.

Presentation of application.

(6) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the local council passing the by-law may appear best fitted to insure the publicity thereof.

Commencement and publication of by-laws.

(7) A local council shall not have the power to repeal a by-law passed pursuant to sub-section 3 of this section, except as provided in the next following sub-section.

By-laws to be repealed only as provided in sub-sec. 8.



When by-law  
may be  
repealed.

(8) If at any time it is made to appear to the satisfaction of a local council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of sub-section 3 of this section relates, or of any class of such shops, are opposed to the continuance of such by-law, the local council may repeal the said by-law, or may repeal the same in so far as it affects such class of shops as aforesaid, but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

Closing of  
shops in which  
several trades  
are carried on.

(9) A shop in which trades of two or more classes are carried on, shall be closed for the purpose of all such trades at the hour at which it is by any such by-law required to be closed for the purpose of that one of such trades as is the principal trade carried on in said shop.

Exception as  
to sales by  
druggists.

(10) A pharmaceutical chemist, or chemist and druggist shall not nor shall any occupier of or person employed in or about a shop in any village be liable to any fine, penalty or punishment under any such by-law, for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing herein contained shall be deemed to authorize any person whomsoever to keep open shop after the said hour.

Supplying  
articles to  
lodgers.

(11) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment, for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death; but nothing herein contained shall be deemed to authorize any person whomsoever to keep open shop after the hour appointed by such by-law for the closing of shops.

Agent or  
servant to be  
liable to  
penalty.

(12) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty or punishment as if he were the occupier.

Power of occu-  
pier to exempt  
himself on  
conviction of  
actual  
offender.

(13) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender, brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

(14)

(14) Subject to the provisions in this section contained, any by-law passed by a local council under the authority of this Act shall for all purposes whatsoever be deemed and taken to have been passed under and by authority of *The Municipal Act* and as if this section had formed part of *The Municipal Act*; and this section and *The Municipal Act* shall be read and construed together as if forming one Act.

By-laws to be deemed to have been passed under Rev. Stat. c. 184.

3.—(1) This section shall come into operation on the first day of January next after the passing of this Act.

Commencement of section.

(2) In this section, unless the context otherwise requires,

Interpretation.

(a) The word “shop” shall mean any retail or wholesale shop, store, booth, stall, or warehouse in which assistants are employed for hire.

(b) The expression “young person” shall mean any boy under the age of fourteen years, and any girl under the age of sixteen years, as the case may be; but shall not mean or include any person whose usual and ordinary employment in or about a shop is that of a driver of a delivery waggon, van or vehicle;

(c) The word “employer” shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any shop and employs persons therein;

(d) The word “week” shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night;

(e) The word “parent” shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

(3) A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week; nor shall a young person be so employed during any Saturday for more than fourteen hours, including meal times, nor during any other day for more than twelve hours, including meal times, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on some other day of the week; and there shall be allowed as meal times to every young person so employed not less than one hour for the noon day meal on each day, and to every young person so employed on any day to any hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal, between five and eight of the clock in the afternoon.

Employment of young persons.

Employment of young persons who have on the same day been employed in a factory.

(4) A young person shall not, to the knowledge of his employer, be employed in a shop who has been previously on the same day employed in any factory as defined by *The Ontario Factories' Act* for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours.

Penalty imposed on employer.

(5) Where any young person is employed in or about a shop contrary to the provisions of this section, the employer shall, upon conviction thereof, be liable to a fine not exceeding \$20 for each person so employed, with costs of the prosecution; and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month.

Penalty imposed on parent.

(6) The parent of any young person employed in a shop in contravention of this section shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence, on summary conviction thereof, incur and pay a fine of not more than \$20 and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding one month.

Seats for use of employees.

(7) The occupier of any shop in which are employed females shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such seat or chair when not necessarily engaged in the work or duty for which she is employed in such shop; and any person offending against any of the provisions of this sub-section shall upon conviction thereof be liable to a fine not exceeding \$20, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed for a period not exceeding one month.

Notice of hours of employment to be exhibited in shop.

(8) In every shop in which any young person is employed there shall be kept exhibited by the employer in a conspicuous place a notice referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed therein; and such notice may be according to Form A in the Schedule to this Act.

Power of employer to exempt himself on conviction of actual offender.

(9) Where the employer of a young person, as defined in this section, is charged with an offence against any of the provisions of this section, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the Court that he has

has used due diligence to enforce the execution of the provisions of this section, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the employer shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence, and shall be liable to the same fine, penalty or punishment therefor as if he were the employer.

(10) Nothing in this section shall apply to a shop where the only persons employed therein are at home, that is to say, are members of the same family dwelling there, or to members of the employer's family dwelling in a house to which the shop is attached. Section not to apply when persons employed are at home.

(11) Where a young person is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of that age. Proof of age of young person.

(12) A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, penalty or punishment than the highest fine, penalty or punishment fixed by this section for the offence, except:— Restriction as to cumulative penalties.

(a) Where the repetition of the offence occurs after an information has been laid for the previous offence; or,

(b) Where the offence is one of employing two or more young persons contrary to the provisions of this section.

(13) All fines or penalties in money imposed or recovered under or in pursuance of this section shall be paid by the convicting Justices or Police Magistrate, as the case may be, to the treasurer of the township, city, town, or incorporated village wherein the offence for which the fine or penalty is imposed has been committed. Application of fines and penalties.

(14) The following provisions shall have effect with respect to summary proceedings for offences and fines under this section: Limitation of time and general provisions as to summary proceedings.

(a) The information shall be laid within one month after the commission of the offence.

(b) The description of an offence in the words of this section, or in similar words, shall be sufficient in law.

(c) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this section, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

(d)



- (d) It shall be sufficient to allege that a shop is a shop within the meaning of this section, without more.
- (e) It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the shop is usually known.
- (f) A conviction or order made in any matter arising under this section either originally or on appeal, shall not be quashed for want of form.

Prosecutions  
and procedure.

(15) All prosecutions under this section may be brought and heard before any of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities, towns, and incorporated villages in which there is a Police Magistrate, before such Police Magistrate; and save where otherwise provided by this section the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*.

Rev. Stat.  
c. 74.

## SCHEDULE.

(FORM A.)

“THE ONTARIO SHOPS' REGULATION ACT, 1888.”

The following are sub-sections 2, 3, 4, 5 and 6 of section 3 of the above-mentioned Act :—

- (2) In this section, unless the context otherwise requires,
  - (a) The word “shop” shall mean any retail or wholesale shop, store, booth, stall, or warehouse in which assistants are employed for hire;
  - (b) The expression “young person” shall mean any boy under the age of fourteen years, and any girl under the age of sixteen years, as the case may be; but shall not mean nor include any person whose usual and ordinary employment is that of a driver of a delivery waggon, van or vehicle;
  - (c) The word “employer” shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any shop and employs persons therein;
  - (d) The word “week” shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night;
  - (e) The word “parent” shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

(3) A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week; nor shall a young person be so employed during any Saturday for more than fourteen hours, including meal times, nor during any other day for more than twelve hours, including meal times, unless a different apportionment

apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on some other day of the week ; and there shall be allowed as meal times to every young person so employed not less than one hour for the noon day meal on each day, and to every young person so employed on any day, to any hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal, between five and eight of the clock in the afternoon.

(4) A young person shall not, to the knowledge of his employer, be employed in a shop who has been previously on the same day employed in any factory as defined by "*The Ontario Factories' Act*" for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours.

(5) Where any young person is employed in or about a shop contrary to the provisions of this section, the employer shall, upon conviction thereof, be liable to a fine not exceeding \$20 for each person so employed, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month.

(6) The parent of any young person employed in a shop in contravention of this section shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than \$20 and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding one month.

(7) The occupier of any shop in which are employed females, shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such seat or chair when not necessarily engaged in the work or duty for which she is employed in such shop ; and any person offending against any of the provisions of this sub-section shall, upon conviction thereof, be liable to a fine not exceeding \$20, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month.

## CHAPTER 34.

### An Act for the prevention of Accidents by fire in Hotels and other Public Buildings.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the construction of this Act a hotel shall include and be taken to mean any inn, tavern, public house or place of refreshment where lodgings are let, furnished or provided for the public, and the words "License District" and the word "Inspector" shall have the same meaning as in *The Liquor License Act*. Interpretation.

Outside ladders or stairways.

**2.** Every owner, lessee, or proprietor of a hotel exceeding two stories in height, shall erect or cause to be erected at least one permanent outside stairway or ladder, from the landings or floors, landing or floor above the first story of such hotel and extending to at least said first story, such stairway or ladder to be built of iron and to be firmly attached to the wall of the building and to be supplied with a hand rail on either side, and to be of sufficient strength to sustain the weight of at least six full grown persons at the same time; and every such lessee or proprietor shall at all times keep the way or passage to such stairway or ladder unobstructed and free of access: Provided that if by reason of the default of any owner, upon reasonable notice in this behalf, any lessee or proprietor is compelled to erect a ladder or stairway under the provisions of this Act, then said lessee or proprietor shall have a right of action or set-off against the owner for all actual necessary and reasonable disbursements by him made or incurred by reason of the default of the owner.

Fire escapes to be kept in all bed-rooms.

**3.—(1)** The keeper of every hotel shall, where the same is more than two stories in height, provide and keep in each of the sleeping apartments or bed-rooms which are situate above the ground floor, a fire escape for the use of guests occupying the same.

What deemed a sufficient fire escape.

**(2)** Such fire escape shall be sufficient within the meaning of this Act if it consists of a rope not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room or apartment in which it is kept to the ground below, and is kept in a coil or other convenient position in each of the said bed-rooms or sleeping apartments; and if the outside window or opening of such sleeping apartments or bed-rooms is provided with proper, secure and convenient fastenings or appliances to which one end of the rope may be safely secured or fastened.

Outside fire escapes.

**4.** In case any hotel shall be provided with outside stationary or other fire escapes, differing from what is herein provided for, by means of which, in the opinion of the inspector of the license district in which any such hotel is situated, a reasonably safe and convenient means of egress from the sleeping apartments or bed-rooms is provided in case of fire, the same shall be deemed a compliance with this Act, so far as relates to all sleeping apartments or bedrooms from the outside windows or openings of which there shall be access to the said fire escapes: Provided that the keeper of such hotel shall procure a certificate from the inspector, certifying to the sufficiency of such stationary or other fire escapes; and a copy of such certificate shall be transmitted by the inspector to the clerk of the municipality in which the hotel is situate.

5. The keeper of every hotel shall, in addition to the notices which he is now required by law to keep posted up in each of his sleeping apartments or bed-rooms, also keep posted up therein a notice calling attention to the said fire escapes, and containing full directions for the use of the same, as well as a description of the outside stairway and the situation and means of egress to the same.

Notice as to  
fire escapes to  
be posted in  
rooms.

6. In case the owner, lessee or proprietor of any hotel shall neglect to observe any of the provisions of this Act, he shall on summary conviction thereof incur a fine for each offence of not less than \$20 or more than \$200, with costs of prosecution, and in default of immediate payment of such fine and costs, and there being no distress found out of which such fine and costs can be levied, shall be liable to be committed to the common gaol of the county wherein such offence was committed, for a period not exceeding three months, and such conviction shall not be a bar to a prosecution for any continuance of such neglect subsequent to such conviction, but such continued neglect shall from time to time constitute a new offence.

Penalty.

7. It shall be the duty of the inspector for the license district in which the hotel is situated to take all necessary proceedings to compel the enforcement of this Act.

Enforcement  
of Act.

8. This Act shall take effect on the first day of November next after the passing thereof.

Commence-  
ment of Act.

## CHAPTER 35.

### An Act to amend the Ditches and Watercourses Act.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 8 of *The Ditches and Watercourses Act* is hereby amended, by adding thereto the following sub-section:—

Rev. Stat.  
c. 220, s. 8,  
amended.

(3) The engineer may by his award direct that any portion of such ditch or drain may be constructed as a covered drain, and shall determine the size and capacity of the proposed covered portion, and the nature and quality of the material to be used therein, but no such direction shall be given by the engineer, if the covering of such portion of the ditch or drain would impede or delay the free flow of the water which the ditch or drain is intended to carry off.



Rev. Stat.  
c. 220, s. 11,  
sub-s. 3 (a)  
repealed.

Place for hear-  
ing appeals.

2. Sub-section 3 (a) of section 11 of the said Act is hereby repealed, and the following substituted in lieu thereof:—

(a) The place for hearing such appeals shall be in the division of the Division Court in which the lands, in respect to which the original proceedings are initiated, are situated. This provision shall apply to appeals now pending, as well as to those that may be entered hereafter, and in case of pending appeals they shall be transferred to the proper Division Court, and shall not lapse or be otherwise affected by the repeal of said sub-section (a).

## CHAPTER 36.

An Act to amend the Act for the protection of Game and Fur-bearing Animals.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
221, s. 1,  
amended.

1. Section 1 of *The Act for the Protection of Game and Fur-bearing Animals* is hereby amended by omitting therefrom the words “deer, elk, moose, reindeer or caribou between the fifteenth day of December and the fifteenth day of October” and inserting instead thereof the words following:—“Deer, elk, moose, reindeer or caribou between the twentieth day of November and the fifteenth day of October; but the period hereinbefore limited shall not, as to moose, elk, reindeer or caribou, apply before or until the fifteenth day of October, 1895, and no moose, elk, reindeer or caribou shall be hunted, taken or killed between the first day of April, 1888, and the fifteenth day of October, 1895.”

Rev. Stat. c.  
221, s. 7,  
amended.

2. Section 7 of the said Act is hereby amended by adding after the word “Act,” where it lastly occurs in said section, the words “and where no other penalty therefor is by this Act provided.”

3. The said Act is hereby further amended by adding thereto the following as sections 16, 17, 18, 19, 20 and 21 of the said Act:—

Deer not  
to be hunted  
except by per-  
sons resident  
in Ontario or  
Quebec.

16. No person shall at any time prior to the year 1895 hunt, take or kill any deer, unless such person has been actually resident and domiciled within the Province of Ontario or within the Province of Quebec for a period of at least three months next

next before the said time, and any person offending against this section shall be liable to a fine not exceeding \$20, nor less than \$10, with costs of the prosecution, for each animal so hunted, taken or killed, and in default of immediate payment of said fine and costs shall be liable to be imprisoned in the common gaol of the county or district wherein the offence was committed for a period not exceeding three months: Provided always that this section shall not apply to any person who, being a shareholder of or in an incorporated company, hunts, kills or takes on the lands of such company, any of the animals mentioned in this section: Provided, moreover, that this section shall not apply to any person in any year for which he has obtained from the Commissioner of Crown Lands a permit to hunt, kill or take any of the animals in this section mentioned, and the Commissioner of Crown Lands is hereby authorized to grant and issue such a permit upon payment therefor of a fee of \$10 for each year during which the same is to be in force, and upon being satisfied that the person applying for the permit may be relied upon to observe and comply with the other provisions of this Act.

17. No one person shall, during any one year prior to the year 1895, kill or take alive more than five deer; and no two persons hunting together or from one camp or place of rendezvous, or forming or being what is commonly known as a hunting party shall, in any one year prior to the year 1895, kill or take alive more than eight deer; and no three or more persons hunting together or from one camp or place of rendezvous, or forming or being what is commonly known as a hunting party shall, in any one year prior to the year 1895, kill or take alive more than twelve deer, and any person offending against this section shall be liable to a fine not exceeding \$20, nor less than \$5, with costs of the prosecution, for each deer beyond or exceeding the number so permitted to be killed or taken as aforesaid, and in default of immediate payment of such fine and costs shall be liable to be imprisoned in the common gaol of the county or district within which the offence was committed for a period not exceeding three months.

Limit as to number of deer which any one person or several persons hunting together may kill.

18. Where, under this Act, any person has been convicted of an offence against any of the provisions of this Act, such person, in default of the immediate payment of any fine or costs imposed upon him or for which he has been adjudged to be liable in respect or because of such offence, shall be liable and may be adjudged to be imprisoned in the common gaol of the county or district in which the offence was committed for a period not exceeding three months.

Imprisonment in default of payment of fine.

19. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question.

Evidence of accused.

Conviction not to be quashed for want of form.

20. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form.

Before whom prosecutions to be brought.

21. All prosecutions under this Act may be brought and heard before any of Her Majesty's justices of the peace in and for the county and district where the penalty was incurred, or the offence was committed, or wrong done, and in cities, towns and incorporated villages in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this section the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*.

Rev.Stat.c.74.

## CHAPTER 37.

An Act to enable Trustees of High Schools or Collegiate Institutes to expropriate land for High School purposes.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

"High School,"

1. "High School" shall include Collegiate Institute.

Selection of site restricted.

2. A high school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground or dwelling house of the owner of the site without his consent.

Enlargement of school site.

3. It shall be competent for the trustees to enlarge any existing high school site, as required by the regulations of the Education Department, provided no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged.

Arbitration in case of disagreement.

4. If the owner of any land selected by the board of trustees of any high school for a site for high school purposes or for the enlargement of the high school premises, refuses to sell the same or demands therefor a price deemed unreasonable by the trustees of such high school, then such owner and trustees shall forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the senior County Judge of the county in which the site in dispute is situated, or in the case of his inability to attend, any person appointed by him on his behalf as third arbitrator, or any two of them shall appraise the damages for such land.

5. If the owner of land selected for a school site, as provided by the preceding section, neglects or refuses to appoint an arbitrator, it shall be competent for the County Judge with the arbitrator appointed by the trustees to meet and determine the matter; and in such cases the County Judge shall have a second or casting vote, if he and such arbitrator do not agree.

Proceedings when owner refuses to appoint an arbitrator.

6. The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner in respect of the land required for the purpose of the high school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights; and upon tender of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the trustees, the land shall be taken and used for the purpose aforesaid.

Powers of arbitrators.

7. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days by giving the absent arbitrator notice of the adjournment.

Proceedings when one arbitrator is absent.

8. Any award for a high school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned therein, and shall be a good title thereto against all persons interested in the property in any manner whatsoever, and shall be registered in the proper registry office on the affidavit of one of the trustees verifying the same.

Award to constitute title.

9. The costs of arbitration shall be paid by the parties concerned in such proportion as may be determined by the arbitrators.

Costs.

10. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to high school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act.

Who may convey.



Notice in case owner is absent or unknown.

**11.** If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such a time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit.

Particulars of notice.

**12.** The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct.

Appointment of arbitrator by judge.

**13.** If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property.

Responsibility of trustees as to compensation.

**14.** Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party.

Deposit of compensation money by trustees.

**15.** If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the county treasurer, or in such other manner as the County Judge may direct, with interest thereon for six months, and may deliver

liver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of one of the trustees verifying the same.

## CHAPTER 38.

### An Act to amend the Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College*, is hereby amended by striking out the word "sold" in the fourth line, and inserting in lieu thereof the words "transferred to the University of Toronto." Rev. Stat. c. 231, s. 3, amended.

2. Section 4 of the said Act is hereby amended by striking out the words "from the property so sold, or" in the first and second lines of the said section. Rev. Stat. c. 231, s. 4, amended.

3. Section 16 of the said Act is hereby amended by striking out the words "in University College and in the said Upper Canada College," in the third and fourth lines thereof, and inserting in lieu thereof the words "and University College," and by inserting after the word "Fund," in the twelfth line, the words "of the University of Toronto." Rev. Stat. c. 231, s. 16, amended.

4. Section 18 of the said Act is hereby amended by striking out the words "That part of the said Income Fund" in the first line, and inserting in lieu thereof the words "the income," and also by adding to the said section the following words: "provided, however, the interest of all investments and securities now held by the Crown in trust for Upper Canada College shall be paid as heretofore to the Bursar of said College for the current expenses and maintenance thereof, so long as the buildings on the site hereinbefore mentioned are used for the purposes of said College." Rev. Stat. c. 231, s. 18, amended.

5. Section 24 of the said Act is hereby amended by striking out the words "or council," in the last line, and inserting in lieu thereof the words "council or trustees." Rev. Stat. c. 231, s. 24, amended.

## CHAPTER 39.

## An Act to amend the Industrial Schools Act.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 234, s. 25 (3),  
amended.

1. Sub-section 3 of section 25 of *The Industrial Schools Act*, is hereby amended by striking out the figures "1.50" in the fourth line, and inserting in lieu thereof the figures "2.00."

## CHAPTER 40.

## An Act for the Protection and Reformation of Neglected Children.

[Assented to 23rd March, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-  
tion.

1. In this Act, the word "Judge" means a Judge of the High Court of Justice, or a Judge of a County Court, or a retired Judge of the High Court or a County or District Court, or a stipendiary magistrate, or a police magistrate, or a justice of the peace specially appointed as commissioner for the trial of juvenile offenders.

Jurisdiction.

A Judge or retired Judge of the High Court shall have jurisdiction under this Act in any part of the Province. Any other Judge, stipendiary magistrate, police magistrate, or justice of the peace specially appointed as aforesaid, shall have jurisdiction in the county or other locality for which he holds his office. A retired Judge shall have jurisdiction in the Province, county, or district for which he was Judge at the time of his retirement.

Committal to  
industrial  
school, etc., of  
child under 14  
years of age.

2. On proof that a child under fourteen years of age, by reason of the neglect, crime, drunkenness, or other vices of its parent, or from orphanage, or any other cause, is growing up in circumstances exposing such child to bad, or dissolute life, or on proof that any child under fourteen years of age, being an orphan, has been found begging in any street, highway, or public place, a Judge may order such child to be committed

committed to any Industrial School or Refuge for boys or girls, or other institution, subject to the inspection of the Inspector of Prisons and Asylums, or to any suitable charitable society authorized under *The Act respecting Apprentices and Minors*, and willing to receive such child, to be there kept, cared for and educated, for a period not extending beyond the period at which such child shall attain the age of eighteen years.

Rev. Stat.  
c. 142.

3. Any child apparently under the age of sixteen years found frequenting, or being in the company of, reputed thieves or prostitutes, or frequenting or being in a reputed house of prostitution or assignation, or living in such a house either with or without the parent or guardian of the child, may be brought before the Judge, and may be by him committed to any such institution as mentioned in the preceding section.

Committal of  
child to  
industrial, or  
charitable  
institution.

4. When any such child is so brought before a Judge, a summons shall be issued to the father of the child, if living and resident within the place where the child was found; and if not then to the mother, if she is living and so resident; and if there is no such father or mother, then to the lawful guardian if there be one so resident; and if not, then to the person with whom, according to the statement of the child, he or she resides; and if there is no such person, the Judge may appoint some suitable person to act in behalf of the child, requiring him or her to appear at a time and place stated in the summons, and to shew cause, if any there be, why the child should not be committed to a refuge, industrial school or other charitable society aforesaid. And if the Judge is of opinion that the child should be sent to any such institution as aforesaid, he may order the child to be committed accordingly.

Notice to  
parents or  
guardians of  
children.

5. No Protestant child shall be committed under this Act to a Roman Catholic institution, and no Roman Catholic shall be committed to a Protestant institution. The certificate of one of the Inspectors of Prisons and Asylums shall be sufficient as to the character of an institution for the purpose of this section.

Religion of the  
offender.

6. The municipality within which the child is resident at the time of the committal shall be liable for the maintenance of the child to an extent not exceeding \$2 per week. The Judge's certificate as to the residence of the child shall be sufficient *prima facie* evidence thereof.

Liability of  
municipality  
for support.

7. The Lieutenant-Governor may, upon the request of any municipal council, appoint a commissioner or commissioners, each with the powers of a police magistrate, to hear and determine complaints against juvenile offenders, apparently under the age of sixteen years.

Appointment  
of commis-  
sioners to try  
juvenile  
offenders.



Juvenile offenders to be tried apart from other offenders.

8. Persons under the age of twenty-one years who are charged with offences against the laws of this Province, or who are brought before a Judge under this Act, shall, as far as practicable, be tried, and their cases disposed of, separately and apart from other offenders, and at suitable times to be designated and appointed for this purpose.

## CHAPTER 41.

An Act to authorize the Town of Almonte to issue certain Debentures.

*[Assented to 23rd March, 1888.]*

Preamble.

WHEREAS the corporation of the town of Almonte, in the county of Lanark, have by their petition represented that they have a debt of \$48,000 (exclusive of interest and debentures for public school purposes), nearly all incurred for permanent improvements within the said town, of which the sum of \$29,500 is secured by debentures of the said corporation, due and payable in the years 1888 to 1903 inclusive, with interest half yearly at five per centum per annum, and the balance of the said debt of \$18,500 is a floating debt or liability; and whereas the said corporation have further represented that a by-law for issuing debentures for the sum of \$18,500 has been passed to meet the said floating indebtedness, but that the debentures have not been issued under the said by-law; and whereas the said corporation have further represented that none of the said outstanding debenture debt or interest is in arrear; and whereas the said corporation have further represented that the payments to be made on account of the said debenture debt outstanding, and of the debentures authorized to be issued to pay the \$18,500 indebtedness during the ensuing years, would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of \$48,000 in the manner and according to the yearly amounts set forth in schedule A to this Act, for the purpose of raising funds to pay the said liability of \$18,500, and also to pay or replace and extend the time for payment of the said debentures, maturing in the years aforesaid, and without providing a sinking fund or making other provision for the payment of the principal than is hereinafter provided, the interest to be levied by an annual special rate over and above all other rates on the ratable property of the said municipality, and the principal of the said consolidated debt to be similarly levied in the years in which said debentures therefor shall fall due respectively, as set forth in schedule A to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said town of Almonte are hereby consolidated at the sum of \$48,000. Debts consolidated at the sum of \$48,000.

2. The said corporation may issue debentures under the corporate seal signed by the mayor and countersigned by the treasurer of the said town, for the time being, in such sums not exceeding \$48,000 in the whole, as the said corporation may by by-law from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place as the corporation may deem expedient. Issue of debentures authorized.

3. The corporation of the said town may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of \$48,000, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act. Power to borrow on debentures.

4. The said debentures shall be for a sum of not less than \$100 each, and shall be payable in the manner, to the amounts, and at the times respectively set forth in the third and fourth columns of the said schedule A, and not otherwise, but such debentures shall not be issued before the years mentioned in the first column of the said schedule A. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half-yearly on the first days of the months of June and December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum. Payment of debentures and interest.

5. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them. Special rate for payment of debentures.

6. The said debentures, and all moneys to arise therefrom, shall be applied by the said corporation, Application of proceeds of debentures.

(a) In payment of the said liability of \$18,500; and

(b) In payment and redemption of outstanding debentures of said corporation to the amount of \$29,500, and for no other purpose whatsoever.

Arrangements  
with existing  
debenture-  
holders  
authorized.

7. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures authorized to be issued by this Act for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act, to purchase, or substitute for, as the case may be, any such debentures that may be purchased or arranged for.

Payment of  
floating debt  
and outstand-  
ing debentures.

8. The treasurer of the said corporation, on receiving instructions from the said corporation so to do, shall pay off said liability of \$18,500, and also pay off any outstanding debentures and discharge the same, with the funds from time to time raised under this Act, or he may substitute, with the consent of the holders thereof, for any outstanding debentures, according to the time and for the yearly amounts only specified in said schedule A, the debentures, or any of them, authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures.

Form of debentures.

9. The debentures to be issued under this Act may be in the form contained in the schedule B to this Act.

Form of by-law.

10. The by-law, or the by-laws, for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act.

Repeal of by-laws.

11. The corporation, after the payment of the said floating indebtedness, may repeal any by-law of the said corporation which authorized the issuing of debentures and the levying of rates to meet the payment of the same.

Irregularities  
not to render  
debentures  
invalid.

12. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law, or issue of debentures, or as to the application of the proceeds thereof.

Assent of  
electors not  
required.

13. It shall not be necessary to obtain the assent of the electors or ratepayers of the said town of Almonte to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or any Act amending the same.

Rev. Stat.  
c. 184.

Proviso as to  
outstanding  
school debentures.

14. Notwithstanding anything in this Act contained, all outstanding debentures which are public school debentures,

or

or which have been issued for public school purposes, shall be provided for, retired and paid in all respects as if this Act had not been passed.

15. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Almonte from any indebtedness or liability which may not be included in said debt. Liability of corporation not discharged.

16. This Act may be cited as "*The Town of Almonte Debenture Act, 1888.*" Mode of citation.

SCHEDULE A.

Amount of debentures authorized to be issued under this Act, with year of issue and date of payment:—

| 1ST COLUMN. | 2ND COLUMN.                   | TOTAL ISSUE.             |                      |      |
|-------------|-------------------------------|--------------------------|----------------------|------|
|             |                               | REPAYABLE 1ST. DECEMBER. |                      |      |
| Year.       | Amount.                       | 3rd Column.<br>Amount.   | 4th Column.<br>Year. |      |
| 1888        | \$18,500<br>Float'g liability | {                        | 300                  | 1888 |
|             |                               |                          | 400                  | 1889 |
|             |                               |                          | 400                  | 1890 |
|             |                               |                          | 500                  | 1891 |
|             |                               |                          | 500                  | 1892 |
|             |                               |                          | 500                  | 1893 |
|             |                               |                          | 500                  | 1894 |
|             |                               |                          | 600                  | 1895 |
|             |                               |                          | 600                  | 1896 |
|             |                               |                          | 600                  | 1897 |
|             |                               |                          | 600                  | 1898 |
|             |                               |                          | 700                  | 1899 |
|             |                               |                          | 700                  | 1900 |
|             |                               |                          | 700                  | 1901 |
|             |                               |                          | 800                  | 1902 |
|             |                               |                          | 800                  | 1903 |
|             |                               |                          | 900                  | 1904 |
|             |                               |                          | 900                  | 1905 |
|             |                               |                          | 1000                 | 1906 |
|             |                               |                          | 1000                 | 1907 |
|             |                               |                          | 1100                 | 1908 |
|             |                               |                          | 1100                 | 1909 |
|             |                               |                          | 1200                 | 1910 |
|             |                               |                          | 1200                 | 1911 |
|             |                               |                          | 900                  | 1912 |
|             |                               |                          | Amount               |      |



Amount of Debentures authorized to be issued.—*Continued.*

| 1ST COLUMN.<br><br>Year. | 2ND COLUMN.<br><br>Amount. | TOTAL ISSUE.<br>REPAYABLE 1ST. DECEMBER. |                      |
|--------------------------|----------------------------|--|----------------------|
|                          |                            | 3rd Column.<br>Amount.                   | 4th Column.<br>Year. |
|                          | Debentures.                |  |                      |
| 1888                     | 1300                       | { 400 }<br>900                           | 1913                 |
| 1889                     | 1300                       | { 400 }<br>900                           | 1914                 |
| 1890                     | 1400                       | { 500 }<br>900                           | 1915                 |
| 1891                     | 1500                       | { 600 }<br>900                           | 1916                 |
| 1892                     | 1500                       | { 700 }<br>800                           | 1917                 |
| 1893                     | 1600                       | { 800 }<br>800                           | 1918                 |
| 1894                     | 1700                       | { 900 }<br>800                           | 1919                 |
| 1895                     | 1800                       | { 1000 }<br>800                          | 1920                 |
| 1896                     | 1900                       | { 1100 }<br>800                          | 1920                 |
| 1897                     | 2000                       | { 1100 }<br>900                          | 1921                 |
| 1898                     | 2000                       | { 1200 }<br>800                          | 1922                 |
| 1899                     | 2100                       | { 1400 }<br>700                          | 1923                 |
| 1900                     | 2200                       | { 1600 }<br>600                          | 1924                 |
| 1901                     | 2300                       | { 1900 }<br>400                          | 1925                 |
| 1902                     | 2400                       | { 2200 }<br>200                          | 1926                 |
| 1903                     | 2500                       | { 2500 }                                 | 1927                 |

## SCHEDULE B.

Province of Ontario, town of Almonte, debenture.

Under and by virtue of *The Town of Almonte Debenture Act, 1888*, the corporation of the town of Almonte, in the county of Lanark, promise to pay the bearer at

the sum of \_\_\_\_\_ on the  
day of \_\_\_\_\_ one thousand  
hundred and \_\_\_\_\_, and the half-yearly coupons  
for interest thereon, hereto attached, as the same shall  
severally become due.

Dated at Almonte, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_,  
A. D.,

## SCHEDULE C.

By-law to authorize the issue of debentures for the sum of \_\_\_\_\_  
under the authority of *The Town of Almonte Debenture Act, 1888*.

Whereas, the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding forty-eight thousand dollars in the whole, as the corporation of the town of Almonte, in the county of Lanark, may, in pursuance of and conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of

\_\_\_\_\_ dollars, payable on the \_\_\_\_\_ day of \_\_\_\_\_  
and on the \_\_\_\_\_ day of \_\_\_\_\_ (or, as the case may be)  
with interest thereon at the rate of \_\_\_\_\_ per centum per  
annum, payable half-yearly according to the coupons to the  
said debentures attached; and whereas the amount of the  
whole ratable property of the said town of Almonte, according  
to the last revised assessment roll of the said town, being for  
the year one thousand \_\_\_\_\_ hundred and \_\_\_\_\_, was

Therefore the corporation of the said town enacts as follows:—

(1) The debentures under the said Act and for the purposes therein mentioned, to the extent of the sum of \_\_\_\_\_

are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons thereto attached for the payment of interest at the rate of \_\_\_\_\_ per centum per annum, payable half-yearly on the first days of June and December in each year. This by-law passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand \_\_\_\_\_ hundred and \_\_\_\_\_

## CHAPTER 42.

## An Act to legalize certain By-laws and Debentures of the Towns of Berlin and Waterloo.

*[Assented to 23rd March, 1888.]*

## Preamble.

WHEREAS the corporation of the town of Berlin did, on the twenty-second day of November, 1887, pass a by-law, after the same was duly approved by the ratepayers of that town, intituled "By-law No. 381, to authorize the issue of debentures to the amount of \$80,000 for the purpose of paying for shares in the capital stock of the Berlin and Canadian Pacific Junction Railway Company and to authorize the subscription of stock to that amount, and for other purposes therein mentioned," and no application has been made to quash the same but doubts may be raised as to its validity; and whereas the said last mentioned corporation has petitioned that for the purpose of removing all doubts as to the validity of their said by-law, the same may be confirmed and legalized as amended by this Act, and the debentures, and the principal and interest secured thereby, may be made payable within thirty years instead of twenty years as in their said by-law provided, and be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in currency of Canada as may be deemed expedient; and whereas the corporation of the town of Waterloo did, on the twenty-eighth day of December, 1887, pass a by-law, after the same was duly approved by the ratepayers of that town, intituled "By-law No. 83, to authorize the issue of debentures to the amount of \$40,000, for the purpose of paying for shares in the capital stock of the Berlin and Canadian Pacific Junction Railway Company, and to authorize the subscription of stock to that amount, and for other purposes therein mentioned," and no application has been made to quash the same but doubts may be raised as to its validity; and whereas the said last mentioned corporation has petitioned that for the purpose of removing all doubts as to the validity of their said by-law the same may be confirmed and legalized as amended by this Act, and the debentures and principal and interest secured thereby, may be made payable within thirty years instead of twenty years, as in their said by-law provided, and be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in currency of Canada as may be deemed expedient; and whereas the object and purpose of passing the said two by-laws was to aid in the construction of a railway to connect the said two towns with some railway being operated by the Canadian Pacific Railway Company, and since the  
passing

passing of such by-laws it has been ascertained that it is in contemplation to build another railway to be operated by the Canadian Pacific Railway Company with which the said towns may prefer to be connected rather than with the Credit Valley Railway; and whereas it is expedient to amend the said by-laws so as to authorize the application of the proceeds of said debentures towards the construction of either that portion of the Berlin and Canadian Pacific Junction Railway lying northward from the town of Berlin or that portion thereof lying southward from the town of Waterloo, and it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law of the said corporation of the town of Berlin, intituled "By-law No. 381, to authorize the issue of debentures to the amount of \$80,000, for the purpose of paying for shares in the capital stock of the Berlin and Canadian Pacific Junction Railway Company, and to authorize the subscription of stock to that amount, and for other purposes therein mentioned," is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures to be issued under the said last mentioned by-law, shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the town of Berlin and the ratepayers thereof, notwithstanding anything in any Act or law to the contrary, and such debentures so to be issued and the principal money secured thereby and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in currency of Canada; and the said debentures may be made payable at any time not more than thirty years from their issue, and the municipal council of the town of Berlin may pass a by-law or by-laws to authorize such debentures to be made so payable as last aforesaid, and to amend the said by-law No. 381 accordingly, and may, in such amending by-law or by-laws, settle the specific sum to be raised, levied and collected in each year during the continuance of the said debentures to be issued under the said by-law No. 381 and any amending by-law, by a special rate sufficient therefor, on all the ratable property in the said town of Berlin, for the purpose of forming a sinking fund for the payment of such debentures and for the purpose of paying the interest thereon, the same to be substituted for the specific annual sums appointed to be raised under the said by-law No. 381.

By-law of  
town of  
Berlin con-  
firmed.

2. The said by-law of the said corporation of the town of Waterloo, intituled "By-law No. 83, to authorize the issue of debentures to the amount of \$40,000 for the purpose of paying for shares in the capital stock of the Berlin and Canadian Pacific Junction Railway Company, and to authorize the sub-  
scription

By-law of  
town of Wa-  
terloo con-  
firmed.



scription of stock to that amount, and for other purposes therein mentioned," is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures to be issued under the said last mentioned by-law shall be, and the same are hereby declared to be, valid, legal and binding upon the corporation of the town of Waterloo and the ratepayers thereof, notwithstanding anything in any Act or law to the contrary, and such debentures so to be issued and the principal money secured thereby and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in currency of Canada; and the said debentures may be made payable at any time not more than thirty years from their issue, and the municipal council of the town of Waterloo may pass a by-law or by-laws to authorize such debentures to be made so payable as last aforesaid, and to amend the said by-law No. 83 accordingly, and may, in such amending by-law or by-laws, settle the specific sum to be raised, levied and collected in each year during the continuance of the said debentures to be issued under the said by-law No. 83 and any amending by-law, by a special rate sufficient therefor on all the ratable property in the said town of Waterloo, for the purpose of forming a sinking fund for the payment of such debentures and for the purpose of paying the interest thereon, the same to be substituted for the specific annual sums appointed to be raised under the said by-law No. 83.

Subscription  
for shares in  
the Berlin and  
Canadian Pa-  
cific Junction  
Ry. Co, au-  
thorized.

3. The shares of capital stock in the Berlin and Canadian Pacific Junction Railway Company mentioned in the said two by-laws respectively, may be legally subscribed for, and the said debentures mentioned in sections 1 and 2 of this Act, may be validly issued, so soon as the Canadian Pacific Railway Company shall have entered into an agreement with the said Berlin and Canadian Pacific Junction Railway Company in the manner set forth in the said by-laws respectively, with this variation, however, that the portion of the said Berlin and Canadian Pacific Junction Railway to be constructed and to be mentioned in such agreement, and to be operated and worked by the Canadian Pacific Railway Company, shall be either that portion of the said Berlin and Canadian Pacific Junction Railway extending northward from the town of Berlin to some point at or near Elora, or to that point between Berlin and Elora where such railway may intersect any other railway hereafter to be built by any company and to be operated by the Canadian Pacific Railway Company, or that portion of the said Berlin and Canadian Pacific Junction Railway extending southward from the town of Waterloo to some point at or near Dumfries Station on the Credit Valley Railway; provided always that the consent of the councils of the said towns of Waterloo and Berlin shall, prior to the making and entering into of any such agreement  
between

between the said companies containing any such variation as aforesaid, have been first had and obtained by by-laws to be passed by the said councils respectively, which said by-laws shall not have force or effect unless and until the same shall have received the assent of the ratepayers of the said towns, duly qualified to vote on money by-laws according to sections 308 and 309 of *The Municipal Act* or any Act amending the said sections. Rev. Stat. c. 184.

4. No intending purchaser or purchasers of the said debentures, or any of them, shall be bound to enquire whether the agreement mentioned in sections 3 and 4 of this Act was made before the subscription of the said stock or before the issue of the said debentures or not, but such debentures shall be all legal and valid after coming into the possession of any *bona fide* purchaser or other lawful holder thereof. Purchasers of debentures not bound to see that agreements have been made under ss. 3 and 4.

5. The respective amounts or dividends which may be paid to the said towns of Berlin and Waterloo respectively, out of the forty per cent. of the gross earnings of the said Berlin and Canadian Pacific Junction Railway to be mentioned in the said agreement, may be applied by the said towns respectively towards forming the sinking fund for the payment of the said debentures, or for the purpose of paying the interest thereon, or for the general purposes of the said towns respectively. Application of dividend paid by railway.

6. The debentures issued under the said by-laws number 381 and number 83, and any by-law or by-laws to be passed in amendment of said by-laws or either of them under this Act, may be in the form contained in schedule A to this Act and the by-law or by-laws in amendment of the said by-law number 381, or of the said by-law number 83, under the authority of this Act, may be in the form or to the effect contained in schedule B to this Act, and shall not require the assent of the electors of the said respective towns of Berlin and Waterloo, or either of them. Form of debentures and by-laws.

7. No irregularity in the form of the said debentures to be issued under the said by-law or by-laws, or any amending by-law or by-laws, or in the form of any such by-law or by-laws, shall render the same invalid or illegal, or be allowed as a defence to any action to be brought against the said corporations, or either of them, for the recovery of the amounts of such debentures and interest on any or either of them or any part thereof. Irregularities of form not to render debentures or by-laws illegal.

8. The said by-laws number 381 and number 83, and any by-law or by-laws to be passed amending the same, shall not be repealed until the debt which may be created in and by such by-laws and the interest thereon shall be paid and satisfied. By-laws not to be repealed.

## SCHEDULE A.

(Section 6.)

Canada, Province of Ontario, Town of

Under and by virtue of by-law No. (381 or 83 as the case may be) of the corporation of the town of and of by-law No. of the said town, passed to amend the said by-law No. under the authority of *An Act to legalize certain By-laws and Debentures of the Towns of Berlin and Waterloo*, passed in the fifty-first year of Her Majesty's reign, chaptered , the corporation of the town of promise to pay to the bearer at , the sum of on the day of , one thousand hundred and and the half-yearly coupons for interest thereon hereto attached as the same shall severally become due.

Signed by the mayor, countersigned by the treasurer, sealed with the corporate seal of the said town, and dated at Ontario, Canada, this day of A.D. 18 .

## SCHEDULE B.

(Section 6.)

BY-LAW No.—

Under and by virtue of *An Act to legalize certain By-laws and Debentures of the Towns of Berlin and Waterloo*, passed in the fifty-first year of Her Majesty's reign, chaptered

The corporation of the town of , by the municipal council thereof, in council duly convened and assembled, enacts as follows:—

1. The debentures to be issued under by-law No. of the said town, shall be made payable not more than thirty years from the issue of such debentures, and may be made payable in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or in the currency of Canada, and the said by-law No. is hereby declared to be amended accordingly.

2. The following is substituted for section 5 of the said by-law No. . “ 5. That for the purpose of forming a sinking fund for the payment of the said debentures the certain specific sum of and for the purpose of paying interest upon the said debt the certain specific sum of making together the sum of shall be raised, levied and collected in each year during

during the continuance of the said debentures or any of them by a special rate sufficient therefor on all the ratable property in the said town."

3. The said by-law No. is hereby further amended so as to make it conform to and agree with the enactments contained in section 3 of the said Act.

This By-law No. was passed in open council this day of A. D., one thousand eight hundred and .

## CHAPTER 43.

### An Act respecting a certain Railway Debenture Debt of the Township of Bexley.

[Assented to 23rd March, 1888.]

WHEREAS the corporation of the township of Bexley Preamble. have by their petition represented that they have under their by-law passed on the first day of August, 1868, incurred a debenture debt of \$15,000 in aid of the Toronto and Nipissing Railway Company, maturing on the first day of November, 1888, and that only the sum of \$8,000 will be available to meet the said debt, leaving a balance or deficiency of \$7,000; and whereas the said corporation by their petition have prayed that an Act may be passed to empower them to pass a by-law to borrow on new debentures of the said corporation the said sum of \$7,000, payable with interest thereon in twenty years at furthest from the said first day of November, 1888, in manner hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the township of Bexley for the purpose of paying off and retiring the \$7,000 mentioned in the preamble to this Act, may pass a by-law authorizing the issue of new debentures of the said corporation for the said sum of \$7,000, and for the payment of interest thereon, payable in twenty years at furthest from the first day of November, 1888, in accordance with either of the sections 340 or 342 of *The Municipal Act*, provided always that such by-law shall in all respects conform to and comply with the provisions of the said *Municipal Act*, and the general municipal law in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said township of Bexley to the passing of such by-law; and provided further that the said new debentures and all moneys arising therefrom, shall to the full extent thereof, be applied only to paying off the said sum of \$7,000 and interest required for the above recited purpose, and for no other purpose whatsoever. Issue of debentures for \$7,000 authorized. Proviso.

CHAPTER



## CHAPTER 44.

## An Act respecting the Town of Bowmanville.

*[Assented to 23rd March, 1888.]*

Preamble.

WHEREAS the corporation of the town of Bowmanville, have, by their petition, shewn that it is necessary to raise, by way of loan, the sum of \$20,000 for the erection of school buildings, to replace those recently destroyed by fire; and that it is desirable that the limitation to the power of the said corporation to incur debt or liability imposed by section 7 of the Act passed in the twenty-third year of the reign of Her Majesty, and chaptered 90, of the Parliament of the late Province of Canada, should be removed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

23 Vic. c. 90,  
s. 7, repealed.

1. Section 7 of the Act passed in the twenty-third year of the reign of Her Majesty and chaptered 90, by the Parliament of the late Province of Canada, is hereby repealed.

## CHAPTER 45.

## An Act respecting By-law No. 402 of the City of Brantford.

*[Assented to 23rd March, 1888.]*

Preamble.

WHEREAS the Brantford, Waterloo and Lake Erie Railway Company, and the corporation of the city of Brantford have petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation, passed on the 10th day of December, A. D., 1887, entitled By-law No. 402, to grant a bonus of \$25,000 to the Brantford, Waterloo & Lake Erie Railway Company, and to take stock in the said company to the extent of \$25,000, a copy of which said by-law is contained in the schedule to this Act; and whereas, the said the Brantford, Waterloo & Lake Erie Railway Company, and the said corporation of the city of Brantford, by their said petition, have represented that it is of advantage to the said city, as well as just and right, that the said by-law No. 402 should be ratified, legalized and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law numbered 402, of the corporation of the city of Brantford, entitled as in the preamble to this Act recited, and which said by-law is set out in the schedule to this Act, is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued, or to be issued, under the said by-law, shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Brantford and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

By-law 402 of  
the city of  
Brantford  
confirmed.

#### SCHEDULE.

By-law No. 402 to grant a bonus of \$25,000 to the Brantford, Waterloo & Lake Erie Railway Company, and to take stock in the said company to the extent of \$25,000.

Whereas by an Act of the Parliament of the Dominion of Canada, passed in the forty-eighth year of Her Majesty's reign, chapter 20, and intituled *An Act to incorporate the Brantford, Waterloo & Lake Erie Railway Company*, power is granted to construct and operate a line of railway through the city of Brantford to a convenient point on the Canada Southern Railway, and thence to a convenient point on, or near, the shore of Lake Erie;

And whereas the said Act was amended by the Act passed in the fiftieth year of Her Majesty's reign, intituled *An Act to amend the Act to Incorporate the Brantford, Waterloo & Lake Erie Railway Company*;

And whereas the said company is authorized to receive from any municipal corporation which may have power to grant the same in aid of the construction, equipment and maintenance of the said railway, bonuses in bonds, or loans, or gifts of money, or securities for money;

And whereas the corporation of the city of Brantford has determined to aid and assist the said railway company in the construction of the said railway by giving to said company debentures, as hereinafter mentioned, to the extent of \$25,000, and further determined to subscribe for 500 shares of \$50 each in the capital stock of the said company, under the authority of *The Municipal Act, 1883*, and amending Acts;

And whereas, in order to carry out the last recited object, it will be necessary for the said municipal corporation to issue debentures to the extent of \$50,000, as hereinafter mentioned, payable at twenty years, at furthest, from the day when this by-law shall take effect;

And whereas it will be necessary for the said corporation to raise an annual sum of \$2,500 for the payment of the interest on the said debentures, and an annual sum of \$1,514.60 to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate annually on the whole ratable property of the said city, in the year 1889 and in each of the next nineteen succeeding years; and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued and the interest thereon, at 5 per cent. per annum, is the sum of \$4,014.60;

And whereas the amount of the whole ratable property of the city of Brantford, according to the last revised assessment roll of the said city, is the sum of \$4,650,040, and the amount of the existing debenture debt of the said city is the sum of \$266,718, no part of which, or its interest, being in arrears;

And

And whereas for paying the interest on said debentures (which is the sum of \$2,500 each year), and for creating a sinking fund to pay the said debentures, which is the sum of \$1,514.60 each year, and which together form the said sum of \$4,014.60, it will require the said sum of \$4,014.60 to be raised annually by special rate on all the ratable property of the said municipality, in addition to all other rates and assessments to be levied in each year on the whole of the said ratable property during the said period.

Be it therefore enacted by the municipal corporation and council of the city of Brantford:

1. That it shall be lawful for the said corporation of the city of Brantford to aid and assist the Brantford, Waterloo & Lake Erie Railway Company by giving the said company the debentures hereinafter mentioned by way of a bonus, subject, nevertheless, to the provisions and conditions hereinafter expressed.

2. It shall and may be lawful for the mayor of the said corporation, for and on behalf of the said corporation, to subscribe for 500 shares of \$50 each, in all, the sum of \$25,000, in the capital stock of the said company, subject to the conditions hereinafter mentioned, and the mayor of the said corporation, or such other member of the council of the said corporation as the said council shall appoint, shall be *ex officio* one of the directors of the said company.

3. That, for the purpose aforesaid, it shall be lawful for the mayor of the said corporation to cause any number of debentures of the said corporation to be made for such sums of money as shall be required for such purposes, of not less than one hundred dollars each, and not exceeding in the whole \$50,000, which debentures shall be sealed with the seal of the said corporation, and signed by the mayor and countersigned by the treasurer of the said corporation.

4. That the said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the first day of July, 1888, and shall be made payable at the office of the treasurer of the said corporation of the city of Brantford, and shall bear interest at the rate of 5 per centum, payable annually on the first day of July in each year, at the office of the said treasurer, and shall have attached to them coupons for payment of the said interest as aforesaid.

5. That for the purposes of paying said debentures and interest the sum of \$4,014.60 shall, in addition to all other rates, be assessed, raised, levied and collected upon all the ratable property in the municipality of the said city of Brantford in each year of the currency of the said debentures, by a special rate sufficient to raise the said sum annually.

6. That none of the said debentures to be signed and issued as aforesaid shall be delivered to the said Company until the Company shall have fully and completely bridged and graded so as to be ready for the ties and rails, the whole of their line of railway, from a point near the Grand River in the city of Brantford, to the main line of the Canada Southern (now the Michigan Central) Railway, at or near the village of Waterford or Hagersville.

7. That so soon as the said railway company shall (as herein mentioned) have fully and completely bridged and graded so as to be ready for the ties and rails, the whole of their line of rail from the said city of Brantford to the main line of the Canada Southern or Michigan Central Railway and shall have produced to the said corporation the certificate of the chief engineer of the said railway company, countersigned by the mayor and clerk of the said corporation and sealed with the seal of the said corporation to such effect, then the said corporation shall deliver over to the treasurer of the said railway company, for the use of the said company, the said debentures, with the relative unaccrued coupons, issued under and by virtue of this by-law, or any principal money which has been paid thereunder.

8. That if the said line of railway shall not be completed and fully bridged and graded as aforesaid within the time fixed and limited by the Acts incorporating the said company, or by any Act which may be passed granting a further extension of time therefor, then this by-law shall be void, and the debentures issued thereunder shall be cancelled.

9. That so soon as the said railway company shall have constructed their said line of railway in the seventh paragraph hereof mentioned so that the same is in a fit condition to carry traffic, and shall have built and equipped a proper and convenient station and warehouse, with all necessary sidings and other things appertaining thereto, at some convenient point in said city near the Grand River in said city, and shall produce to the said corporation the certificate of the chief engineer of the said company, countersigned by the mayor and clerk, and sealed with the seal of the said corporation to that effect, said corporation shall by their mayor subscribe for and fully pay up five hundred shares of \$50 each, in all the sum of \$25,000 of the capital stock of the said company.

10. The said railway company shall construct and maintain at some convenient point in said city a proper and convenient passenger and freight stations, suitable for the accommodation of passengers and the receipt of freight, with proper and suitable sidetracks and other convenience, within the space of two years from the date of this by-law coming into effect. And in case said company shall make default in the premises then this by-law shall be void and of no effect.

11. All the coupons accrued due on said debentures prior to the delivery of the same to the said railway company, shall be the property of said corporation and shall not be delivered to said company.

12. The said railway company shall be and continue to be an independent company, and the line of said railway shall extend and run from said city of Brantford to the Michigan Central Railway or Canada Southern Railway, otherwise the said debentures shall not be delivered to the said company, but the same shall be cancelled, and all moneys paid hereunder shall be forthwith repaid to said city by said company, provided that said company shall have the right from time to time to grant running powers over the said line of railway to the Michigan Central or Canada Southern Railway Company on such reasonable terms and for such periods as may be agreed upon by said company or companies.

13. No lease or other contract for running that portion of the said railway company's road lying between the city of Brantford and the Canada Southern Railway or Michigan Central Railway, or whereby the said company's road shall be under the management or control of any railway company or corporation other than the Canada Southern Railway or Michigan Central Railway Company, shall be at any time made; and no sale whatever of said portion of said road shall be made unless the consent of the ratepayers of the city of Brantford shall first be had and obtained by by-law to be passed pursuant to and in accordance with the provisions of *The Municipal Act* in regard to Bonus By-laws.

14. The said railway company and the said corporation shall jointly petition the House of Commons of the Dominion of Canada and the Legislature of the Province of Ontario to ratify the provisions of this by-law, or such part thereof as may be required at their ensuing sessions, and the said company shall bear the expense of such legislation.

15. Unless the ratification in the last clause mentioned is obtained the council of the said corporation may declare this by-law void and of no effect.

16. This by-law shall take effect on, from and after the first day of July, A.D. 1888.

17. That a poll be held and the votes of the electors of the said city entitled to vote thereon shall be taken on the second day of January, A.D. 1888, on the said proposed by-law, at the hour of nine o'clock in the forenoon,



noon, and continue until the hour of five o'clock in the afternoon, at the following places and by the following persons hereby appointed Deputy Returning Officers, viz.:

## NORTH WARD.

| <i>Deputy Returning Officer.</i>        | <i>Place.</i>   |
|---|---|
| Div. No. 1, Richard W. Brooks . . . . . | Cornelius Carey's house, Niagara street.                  |
| " " 2, David Wilson . . . . .           | Henry Wood's house, Waterloo street.                      |
| " " 3, Maurice Quinlan . . . . .        | Henry Budson's house, corner Adelaide and Albion streets. |
| " " 4, W. F. Thompson . . . . .         | Robt. McKenzie's house, William street.                   |
| " " 5, James Cox . . . . .              | George Knowle's house, Egerton street.                    |
| " " 6, Simon E. Plewes . . . . .        | Peter Casy's shop, east side West Mill street.            |

## KING'S WARD.

|                               |  |
|-------------------------------|--|
| " " 7, Robert Welsh . . . . . | George Fletcher's shop, Oxford street. |
| " " 8, John Callis . . . . .  | Wm. App's shop, Colborne street.       |

## QUEEN'S WARD.

|                                 |  |
|---------------------------------|--|
| " " 9, S. Snider . . . . .      | B. Bell & Son's shop, Colborne street. |
| " " 10, Benjamin Hunn . . . . . | Engine house.                          |
| " " 11, L. B. Carey . . . . .   | L. B. Carey's shop, Market street.     |

## BRANT WARD.

|                                  |  |
|----------------------------------|--|
| " " 12, David Curtis . . . . .   | City Hall.                             |
| " " 13, John C. Heaton . . . . . | A. G. Scott's house, Dalhousie street. |
| " " 14, Joseph Tilley . . . . .  | Court House.                           |
| " " 15, James W. Tutt . . . . .  | Mrs. Oxtaby's house, Arthurstreet.     |

## EAST WARD.

|                                  |  |
|----------------------------------|--|
| " " 16, John A. Leitch . . . . . | George Haddlesay's house, Arthur street. |
| " " 17, William Frank . . . . .  | Albert Waldron's house, Victoria street. |
| " " 18, E. Kester . . . . .      | John Fisher's house, Dalhousie street.   |

## EAST WARD.

|                                 |                                     |
|---------------------------------|-------------------------------------|
| " " 19, Joseph McLean . . . . . | Mrs. Hobson's house, Nelson street. |
| " " 20, Joseph Thomas . . . . . | Wm. Draper's house, Chatham street. |

18. That the clerk of the said municipal corporation shall sum up the number of votes given for or against this by-law at the hour of ten o'clock in the forenoon on the third day of January, A.D., 1888, at the city hall, in the city of Brantford, and the mayor of the said city shall attend at  
the

the office of the said clerk in said city on Thursday, the twenty-second day of December, A.D., 1887, at ten o'clock in the forenoon, which time and place are hereby fixed for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk respectively on behalf of persons interested in promoting and opposing the above by-law.

TAKE NOTICE.

That the above is a true copy of the proposed by-law, which will be taken into consideration by the council of the corporation of the said city of Brantford, on Monday, the sixteenth day of January, 1888, at 7.30 o'clock p.m., being more than one month from the first publication of the same in the "Brantford Daily Expositor" newspaper, the date of which publication is the tenth day of December, 1887, and at the day and hour and places in said by-law fixed for taking the votes of the electors thereon, the poll will be had for taking the votes of the electors of the said city on said proposed by-law.

COUNCIL CHAMBERS, BRANTFORD,  
10th December, A.D., 1887.

[Sgd.] JAMES WOODYATT,  
Clerk of the Council of the  
City of Brantford.

Passed on the 16th day of January, 1888.

[Sgd.] JAMES WOODYATT,  
City Clerk.

[Sgd.] CHAS. B. HEYD.

[Sgd.] GEORGE H. WILKES,  
President.

[Sgd.] J. J. HAWKINS,  
Secretary.

[Sgd.] CHAS. B. HEYD,  
Mayor.

[Sgd.] JAMES WOODYATT,  
City Clerk.

{ L.S. }

{ L.S. }

## CHAPTER 46.

An Act respecting the Debt of the Village of Brussels.

[Assented to 23rd March, 1888.]

WHEREAS the municipal corporation of the village<sup>7</sup> of Preamble.  
Brussels, by their petition, have represented that certain by-laws have at various times been passed by the ratepayers of the said village authorizing the issue of debentures to purchase appliances for fire protection, to grant bonuses for manufactories and other permanent improvements, and have issued

issued under such by-laws debentures creating debts to the amount of \$32,200, the first of which said debenture debts, namely, number seven for 1878, for the sum of \$5,000, will mature on the 4th day of July, 1888, and the others of said debentures, making in all the sum of \$27,200, will mature at various and different dates thereafter as follows, namely: number eight for 1878, for the sum of \$20,000, on the 1st day of September, 1898; number nine for 1878, for the sum of \$2,200, on the 4th day of August, 1898, and number ten for 1884, for the sum of \$5,000, on the 1st day of June, 1894; and it hath also been made to appear that no funds have been provided by way of sinking fund or otherwise for redeeming any portion of the said debentures, save and excepting only the interest maturing thereon from year to year, and that it would be in the interest of the said village of Brussels to obtain the passage of an Act authorizing the issue of debentures in order to retire the said debentures as they from time to time become due; and whereas, the corporation of the said village of Brussels have in and by their said petition prayed for the passing of an Act to entitle them to carry out the said object; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Consolidation  
of debt at  
\$32,200; power  
to raise by way  
of loan.

1. The debenture debt of the said village of Brussels is hereby consolidated at the said sum of \$32,200, and it shall and may be lawful for the corporation of the said village of Brussels to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said recited debentures as they respectively become due, not exceeding in the whole the said sum of \$32,200, exclusive of the interest thereon.

Authority to  
pass by-laws.

2. It shall and may be lawful for the said corporation of the village of Brussels to pass a by-law, or from time to time to pass by-laws, (without the expressed consent of the rate-payers of the said village) authorizing the issue of debentures of the said village for the sum of \$32,200, or various sums not exceeding in the whole the amount of the said debenture debt of \$32,200, exclusive of the interest thereon, for the purpose of redeeming the said respective debentures already issued under the authority of the said by-laws.

Repeal of by-  
laws.

3. The said corporation may, after the debt created under such original by-law and the interest thereon shall be paid and satisfied, and after the redemption of the debentures issued thereunder, repeal the said by-laws so far as regards the levying of rates imposed by the same for the redemption of such original debentures and the payment of the interest on the same.

4. The treasurer of the said village shall, upon receiving instructions so to do from the council, call in and discharge with the funds realized from such debentures any of the debentures mentioned in the preamble of this Act which have matured, or (with the authority and consent of the holders thereof) those or any of those which are still outstanding, or may substitute for the said maturing or outstanding debentures, as the case may be, the debentures or any of the debentures authorized to be issued under any by-law or by-laws passed under the provisions of this Act, upon such terms as may be agreed on between the said corporation and the holders of such maturing or outstanding debentures.

Outstanding debentures may be called in.

5. The debentures authorized to be issued under any by-law or by-laws passed under the provisions of this Act or the funds derived from the negotiation thereof shall be applied by the said council to the payment or calling in of the said outstanding debentures, and to and for no other purpose whatever.

Application of proceeds of debentures.

6. Such by-law or by-laws authorizing the issue of said debentures, or any of them, shall provide for, and the said corporation is therein and thereby authorized to impose, a special rate per annum on the whole ratable and taxable property in the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a sinking fund for the due payment of the principal (as and when the same shall become due) of the debentures hereby authorized to be issued under said by-laws.

By-law to provide for a special rate.

7. It shall and may be lawful for the municipal council of the said village of Brussels, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued a debenture or debentures of the said corporation, under the corporate seal of the said municipality, signed by the reeve and countersigned by the clerk for the time being of the said municipality, for such sum or sums not exceeding in the whole the said sum of \$32,200 (exclusive of the interest maturing on said debentures) as the municipal council of the said village of Brussels shall from time to time direct and appoint, such debentures to bear interest at a rate not exceeding six per cent. per annum, payable yearly or half-yearly, as by said by-law or by-laws may be provided.

Debentures to be issued in pursuance of by-law.

8. The debenture or debentures to be issued under the preceding section shall be made payable at such time or times not exceeding twenty years after the date thereof and at such place or places either within or without this Province, and shall be for such sums either in sterling or currency, and not less than \$100 each, as the corporation of the said village of Brussels may by such by-law or by-laws provide.

Debentures payable in 20 years and to be for not less than \$100 each.



Investment of  
sinking fund,  
etc.

9. The money raised by special rate under the authority of by-laws passed in pursuance of this Act, whether for sinking fund or otherwise, shall be applied as aforesaid in and towards the payment of the said existing debenture debt of \$32,200 and not otherwise, and for that purpose the said council shall, and it shall be the duty of the treasurer thereof by and with the consent and approbation of the said council, from time to time to invest all moneys so received either in the redemption of any of the outstanding or maturing debts or debentures, or in government securities, municipal debentures, or first mortgages on real estate held and used for farming purposes in the Province of Ontario, and being a first lien on such real estate, but not to a greater extent than two-thirds of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in Council may by general or special order direct or appoint, or he may deposit the same in any chartered bank of the Dominion of Canada, that the council may from time to time approve; and all dividends and interest received on such investments shall be applied to the extinction of the loan authorized to be raised under this Act.

Assent of  
electors to by-  
laws not re-  
quired.  
Rev. Stat.  
c. 184.

10. It shall not be necessary to obtain the assent of the electors of the said village to the passing of any by-law or by-laws under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Treasurer to  
keep books  
showing state  
of debenture  
debt.

11. It shall be the duty of the treasurer of said village from time to time to keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued, under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several investments which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as provided for by section 9 of this Act; the said book of account and statement shall set forth and shew the amount and the place and places of such deposit, and the amount, the mode and nature, and place or places of such investments, and the terms or conditions upon which such deposits or investments shall from time to time be made.

Inconsistent  
provisions in  
municipal  
Acts not to  
apply.

12. Every debenture issued under the authority of this Act shall have upon the face of it, either written or printed, the words "Brussels Consolidated Loan Debenture," and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions

provisions of this Act, and no want of substance or irregularity in the form, either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action against the said corporation for the recovery of the amount of the said debentures and interest, or any part thereof.

## CHAPTER 47.

### An Act respecting the Incorporation of the Village of East Toronto.

[Assented to 23rd March, 1888.]

WHEREAS the municipal council of the corporation of Preamble. the county of York, did, by a by-law, passed on the twenty-third day of November, 1887, duly incorporate the village of East Toronto; and whereas the inhabitants of the said village, thereafter, upon the days and times, and in the manner prescribed by *The Municipal Act*, did nominate and elect by acclamation the following persons as the council for the year 1888, namely:—Donald George Stephenson, Reeve; and Benjamin Morton, Richard Luttrell, Frank Boston, and Charles Pickring, Councillors; and whereas doubts have arisen whether the said incorporation takes place under *The Municipal Act* in and for the year 1888 and thenceforward, or whether it takes place in and for the year 1889 and thenceforward and not before; and whereas it is of importance to the said inhabitants that the said incorporation should take place immediately, in order that the necessary provisions may be made for water supply and other municipal purposes; and whereas it is expedient to remove the said doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Municipal Act*, the incorporation of the municipality of the village of East Toronto shall be deemed to have taken place under the said by-law, on the first Monday in the month of January, 1888.

Incorporation to be deemed to have taken place in Jan'y 1888.

2. Notwithstanding anything contained in *The Municipal Act* as to the time of the taking effect of such incorporation, the election of the said Donald George Stephenson, as Reeve, and of Benjamin Morton, Richard Luttrell, Frank Boston and Charles Pickring, as Councillors, shall be deemed to have been duly

Election of council confirmed.

duly and lawfully had, and the said persons hereinbefore named shall be the council of the said village of East Toronto, for the year 1888, subject to the provisions of *The Municipal Act*.

Power to agree with G. T. R. Co., as to water supply.

3. The said village of East Toronto, in addition to all powers by statute vested in them, or in any person or persons, or body corporate, to construct and maintain water works and to light the said village by electricity or otherwise, which said powers are not intended to be hereby altered, diminished or impaired, shall have the power from time to time for periods of not more than ten years to agree with the Grand Trunk Railway Company of Canada, and the said railway company may agree with them to supply them with water for all lawful purposes, and with the necessary motive power to generate electricity, for the purpose of lighting the said village by electric light, in as full and ample a manner as the said village, or any person or persons, or body corporate could do.

Power to agree with G. T. R. Co. as to taxation of railway property.

4. The said village of East Toronto shall have power from time to time for periods of not more than ten years to enter into such agreement as they may think fit with the Grand Trunk Railway Company of Canada, for lowering, fixing, commuting or compounding the rate of taxation of the property of the said railway company, situate within the limits of the said village.

Village not to have power to grant bonuses.

5. Notwithstanding anything contained in *The Municipal Act*, the said village of East Toronto shall not have any power to grant a bonus to any person or persons or body corporate for manufacturing or trading purposes.

## CHAPTER 48.

An Act to provide for the Union of the Townships of Front of Yonge and Front of Escott.

[Assented to 23rd March, 1888.]

Preamble.

WHEREAS certain of the inhabitants and ratepayers of the townships of Front of Yonge and Front of Escott, in the county of Leeds, as well as the municipal councils of said townships, have by their petitions represented that it is expedient to unite the said townships of Front of Yonge and Front of Escott into one municipality, inasmuch as such union of the said townships will greatly promote the prosperity and convenience of their inhabitants; and whereas it is expedient to grant the prayer of the said petitions;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Upon and after the last Monday in December, 1888, being the day when this Act shall come in force, the said townships of Front of Yonge and Front of Escott shall constitute and form one township under the name of the township of Front of Yonge and Escott, and the said territory shall thereafter be deemed one municipality for all municipal, school and other purposes whatsoever, and the inhabitants of said new township shall constitute and form a body corporate as provided by *The Municipal Act*, and such township and corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships and corporations in the Province of Ontario.

Townships of  
Front of  
Yonge and  
Front of  
Escott united.

Rev. Stat.  
c. 184.

2.—(1) The present municipalities of Front of Yonge and Front of Escott shall be responsible for their respective liabilities already incurred or that may be incurred previous to the time of their union into one municipality, and all such liabilities shall be discharged by the respective municipalities liable therefor prior to the said last Monday in December, 1888. Any surplus moneys remaining to either of the present municipalities after the payment of all debts, shall be handed over to the treasurer of the municipality hereby created, and such municipality shall, as soon as practicable, cause to be expended in local improvements within the respective territories forming the present townships an amount equal to the sum so paid in by each of such townships respectively.

Adjustment of  
assets and  
liabilities.

(2) The town hall of the present township of Front of Escott, situate at the unincorporated village of Springfield, shall form an asset of the municipality hereby created, but shall not be sold or otherwise disposed of by such municipality.

Provision as to  
town hall of  
township of  
Front of  
Escott.

3. The first nomination for the election of municipal councillors for the said township of Front of Yonge and Escott shall take place on the said last Monday in December, 1888, and the polling (if any) at such election shall take place on the first Monday in January next thereafter; and the place for holding such nomination shall be where the last annual nomination of councillors for the township of Front of Yonge was holden, and the returning officer at such election shall be the township clerk of the present township of Front of Yonge. The polling sub-divisions of the present townships of Front of Escott and Front of Yonge shall be the polling sub-divisions for the first election to be holden in the municipality hereby created, and the township councils of the present townships of Front of Yonge and Front of Escott shall appoint the deputy returning officers for their respective townships.

First election  
of council.



Assessment roll of township of Front of Escott to be furnished to returning officer.

4. The clerk of the said township of Front of Escott shall furnish to the returning officer of the said township of Front of Yonge and Escott, before the said election, a copy of its assessment roll for the year 1888.

Expenses of Act.

5. All expenses of and incidental to the obtaining of this Act shall be borne by the said townships of Front of Yonge and Front of Escott share and share alike.

Property vested in new municipality.

6. All the property and assets of the said two municipalities shall vest in the new municipality, and the said new municipality may take all steps necessary for the collection of all moneys owing to said municipalities and shall expend the same in manner provided in this Act in the municipality to which the same originally belonged.

Provision as to securities of officials.

7. Any and all bonds or securities given to either of said municipalities for the good behaviour or proper discharge of the duties of officials shall vest in the new municipality, which shall have full power to enforce the same.

## CHAPTER 49.

An Act respecting a certain Agreement made between the Town of Lindsay, the Midland Railway of Canada and the Grand Trunk Railway Company of Canada.

*[Assented to 23rd March, 1888.]*

Preamble.

WHEREAS a certain agreement, dated the twentieth day of May, A.D. 1887, was entered into between the corporation of the town of Lindsay, the Midland Railway of Canada, and the Grand Trunk Railway Company of Canada (which agreement forms the schedule of this Act), for the purposes in said agreement set out; and whereas the companies have erected the said works in said agreement mentioned, and they desire that the said agreement shall be confirmed and given full effect to, and that the validity thereof should be placed beyond all doubt; and whereas the said companies respectively have by their respective petitions prayed that an Act may be passed confirming the said agreement and giving full effect thereto; and whereas it is expedient to grant the prayer of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement set out in schedule confirmed.

1. The agreement set out in the schedule to this Act is hereby confirmed and declared legal, valid and binding to all intents and for all purposes, and it shall be lawful for the corporation

corporation of the town of Lindsay to do any and all acts necessary to give full effect to the said agreement according to the spirit, true intent, and meaning thereof.

---

### SCHEDULE.

This agreement made this twentieth day of May, A.D. 1887,

By and between the corporation of the town of Lindsay, hereinafter called the Corporation, of the first part, The Midland Railway of Canada, of the second part, and The Grand Trunk Railway Company of Canada, of the third part.

Whereas the said Railway Companies propose to erect and maintain, in the town of Lindsay, a certain locomotive running shed, of not less dimensions than two hundred and fifty feet in length, by forty-eight in width, and to extend the capacity of their works in the town of Lindsay as their requirements may make necessary ;

And whereas, the said Railway Companies have applied to the said corporation to grant them certain privileges and exemptions from taxation, and to close up portions of certain streets hereinafter mentioned, and the said corporation has agreed to do so upon the conditions hereinafter mentioned.

Therefore, this agreement witnesseth that the parties hereto have and they severally hereby do covenant and agree each with the other in the manner following, that is to say :—

1. The Midland Railway of Canada covenant and agree, in consideration of the covenants hereinafter contained on the part of the corporation being by them performed, to erect and maintain, in the town of Lindsay, a locomotive running shed, of not less dimensions than two hundred and fifty feet in length and forty-eight feet in width, and to extend the capacity of their works in the town of Lindsay, as their interest or the interest of the Grand Trunk Railway Company may make it necessary.

2. That in the said locomotive running shed, and on the engines running to and from said shed, and in the work shops and in the business of the said Railway Companies connected therewith, altogether in the town of Lindsay, the said two Railway Companies will employ twenty-five resident employees, in addition to the number now employed, making a total of fifty-three resident employees all told, which shall be the minimum number employed, for the term of ten years from the first of January, 1888.

3. The corporation covenants and agrees, in consideration of and upon the condition of the performance of the covenants and agreements herein contained on the part of the said Railway Companies being by them performed, that for the period

period of ten years, from the first January, 1888, the whole of the assessable property of the said companies and each of them now owned, or which at any time during the said ten years shall be acquired by one or both of the said companies in the town of Lindsay, no matter what changes may be made in the assessment laws of this Province, shall be assessed at the sum of thirty thousand dollars (\$30,000), and that in each of the said ten years the said last-mentioned sum shall be all the companies or either of them shall be assessed for or called upon to pay taxes upon, and the rate of assessment on this shall be that in each year struck on the general assessment for the said town, the above includes all lands, buildings and assessable property whatsoever now owned, or which may hereafter be acquired or built in the said town of Lindsay by the said companies, or either of them, and actually used for railway purposes, or in the business of the said companies, or either of them, and which shall be liable to assessment during the said period of ten years; provided always, that any residence, dwelling houses, or other improvements not actually required for railway purposes hereafter erected on any land now owned or hereafter purchased by the said Railway Companies, or either of them, and the land on which they are erected shall be liable to assessment and taxation in the usual way; but any building or dwelling on land purchased in order to carry out this agreement, and the lands used therewith, if occupied by the company or their employees, shall not be liable to assessment. And provided also that, in case the said companies, or either of them, sell or dispose of any part of their property in the town of Lindsay, or lease or let the same to any person other than one of their employees, the same shall thenceforth be liable to assessments and taxation in the usual way.

4. That the corporation hereby releases the Midland Railway of Canada of and from all the provisions of a certain bond dated May 16th, 1874, from the Victoria Railway to the said corporation, and the said companies parties hereto, and each of them, are hereby respectively released from the performance of the conditions of the said bond, and from all judgments, actions, decrees whatsoever based or founded thereon, and from the penalty of the said bond.

5. That the corporation will, by lawful means, close, or cause to be closed, absolutely that portion of Dale street and Main street, coloured yellow on plan marked "B" hereunto annexed, and that portion of Durham Street, Victoria Avenue and Hamilton street coloured red on said plan, when and so soon as the companies, or either of them, have made arrangements with the property holders on the south side of Durham street, between Hamilton street and the east side of Victoria avenue, consenting thereto; provided, however, if the corporation are prevented by legal proceedings from complying with this covenant they shall not be liable in damages because thereof.

6. That it shall be lawful for the said railways, or either of them, to change the grade of the line of the Midland Railway upon the street known as Victoria avenue, in the town of Lindsay, from the present grade to the grade proposed and shewn on plan hereto annexed, and marked "A," the proposed grade being indicated by the red line as mentioned on the plan.

7. The said Railway Companies severally covenant and agree that they will, at their own costs, charges and expenses, make and put in all approaches, grades and crossings of streets rendered necessary by the alterations of said grade on Victoria avenue, so as not to interfere with the travel across or along the avenue, and to make up the road in as good condition as at present.

8. That the term of ten years above fixed by this agreement shall be extended indefinitely so long as they, the said railway companies, or either of them, comply with all the covenants and conditions before mentioned,—that is, continue and maintain the said locomotive running shed and other works above mentioned, in the said town of Lindsay, and continue in their employ the number of resident employees above mentioned in the employment above mentioned.

9. That if the said Railway Companies, or either of them, so require, the corporation will join in getting an Act of the Local Legislature to confirm and give full effect to this agreement.

10. That the provisions of this agreement shall by the parties hereto be carried out with all reasonable despatch, and that each shall abide by, keep and perform the same according to its spirit, true intent and meaning.

In witness whereof the said parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed, sealed and  
delivered in the  
presence of } The Corporation of the Town of Lindsay:

By T. WALTERS, [SEAL.]  
Mayor.

The Midland Railway of Canada:

By J. HICKSON, [SEAL.]  
President.

H. READ,  
Secretary.

The Grand Trunk Railway of Canada:

By J. HICKSON, [SEAL.]  
General Manager.

CHAPTER



## CHAPTER 50.

An Act to authorize the Corporation of the City of London to sell certain Lands known as the Exhibition Grounds and for other purposes.

*[Assented to 23rd March, 1888.]*

Preamble.

**W**HEREAS the municipal council of the corporation of the city of London has presented its petition setting forth that the said corporation, being the owners of the lands hereinafter mentioned, did by a certain indenture bearing date the twenty-first day of June, 1869, grant to the corporation of the county of Middlesex and to all parties or corporations authorized by them the right to hold all county and agricultural fairs, shows and exhibitions free of charge in and upon the said lands, and did also by a certain other indenture bearing date the twenty-first day of June, 1869, grant to the agricultural society of East Middlesex the right to hold all county fairs, shows and exhibitions free of charge in and upon the said lands, and did also agree with the said society that the Provincial Agricultural Association of Ontario should have the right to hold any exhibition in and upon the said lands, and that in case an annual fair should thereafter be established, the same might be held in and upon the said lands whenever the said fair might be held; and did also, by certain articles of agreement bearing date the twenty-eighth day of September, 1861, agree with the Board of Agriculture for Upper Canada to grant to all parties and corporations authorized by the said board the right to hold all county and agricultural fairs, shows and exhibitions free of charge in and upon the said lands, and to grant to the Provincial Agricultural Association of Upper Canada the right to hold any of their exhibitions in and upon the said lands; and in case thereafter there should be established an annual Western Fair, the right to hold such Western Fair thereon; that the said lands and the buildings erected thereon have become wholly unsuited for the purposes aforesaid; that the said, the corporation of the city of London, at an expense of upwards of \$100,000, had provided other suitable lands and buildings for the purposes aforesaid; that all of the said corporations, except the corporation of the county of Middlesex, have agreed to release their claims to the said lands, and to accept in lieu thereof certain rights in respect of the new exhibition grounds, and have prayed for authority to sell and convey the said lands free from the claims of the said several corporations and of all other persons having or being entitled to any rights, privileges or claims under the provisions of the said several instruments or any of them; and whereas, the municipal council of the corporation of the city of London has also presented its petition praying that subsection 2 of  
section

section 19 of the Act passed in the fiftieth year of Her Majesty's reign, intituled *An Act to Incorporate the Western Fair Association*, may be amended by substituting for the words and figures "sixty thousand dollars" therein, the words and figures "seventy thousand dollars;" and whereas it is expedient to grant the prayers of the said petitions, subject to the conditions hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said the corporation of the city of London may sell and convey the lands mentioned in the preamble to this Act, which may be better known and described as follows, that is to say:—That portion of the lands known as the Ordnance lands in the said city of London in the Province of Ontario, lying east of Wellington street and north of Great Market street (now Central avenue), containing by admeasurement sixteen acres and thirty-six and three-tenths perches, be the same more or less, and which said land may be more particularly known and described as follows, that is to say:—Being composed of blocks numbers one and three, situate on the north and south sides of Pall Mall street, in the said city of London, as shewn on the plan made by Provincial land surveyor, William Robinson, dated the 14th day of July, 1868, and of record in the department of the Secretary of State of Canada, and which are severally butted and bounded as follows, that is to say:—Block number one commencing where a board of ordnance monument has been planted on the northwest corner of Waterloo street and Great Market street (now Central avenue); thence north nineteen degrees ten minutes west along the west side of Waterloo street ten chains seven and a half links, more or less, to Pall Mall street; thence south seventy degrees forty-four minutes west along the south side of Pall Mall street ten chains fifteen links, more or less, to Wellington street; thence south nineteen degrees twenty-four minutes east along the east side of Wellington street ten chains five links, more or less, to Great Market street (now Central avenue); thence north seventy degrees fifty minutes east along the north side of Great Market street (now Central avenue) ten chains nine links, more or less, to the place of beginning, containing ten acres and twenty-eight and nine-tenths perches, more or less; and block number three, commencing at the north-west corner of Waterloo and Pall Mall streets; thence north nineteen degrees ten minutes west along the west side of Waterloo street five chains ninety-four and a half links, more or less, to a board of ordnance monument; thence south seventy degrees forty-four minutes west ten chains nineteen and a half links more or less to Wellington street; thence south nineteen degrees twenty-four minutes east along the east side of Wellington street five chains ninety-four and a half links, more or less, to Pall Mall street; thence north seventy degrees forty-four minutes east along

Power to sell  
lands.

along the north side of Pall Mall street ten chains fourteen links, more or less, to the place of beginning, containing six acres and seven and four-tenths perches, more or less, freed and discharged of the claims of each and every of the corporations mentioned in the said preamble, and freed and discharged of all rights, privileges and claims of all other persons whatsoever under the provisions of the instruments mentioned in the said preamble or any of them.

Conditions to be complied with before exercise of powers hereunder.

2. The powers conferred by this Act shall not be exercised until the said corporation of the city of London shall have executed and deposited with the Provincial Secretary, a deed, granting to the said, the corporation of the county of Middlesex, the right, for the period of twenty years from the passing of this Act, for the said last named corporation and its successors, and for all parties or corporations, authorized by the said last named corporation, to hold all county and agricultural fairs, shows, and exhibitions, free of charge in and upon the grounds known as Salter's Grove, in the said city of London, and the buildings thereon erected. Nor until the said the corporation of the city of London shall have deposited with the Provincial Secretary a deed granting to the Agricultural and Arts Association of Ontario the right to hold an exhibition in and upon the said lands and the buildings thereon, once in every four years for a period of twenty years, commencing with the year 1889, and upon condition that the said Agricultural and Arts Association shall pay to the corporation of the city of London the sum of \$1,000 should the Association hold an exhibition on the said lands in the year 1889.

Certificate of Provincial Secretary to be conclusive evidence of compliance with conditions.

3. The certificate of the Provincial Secretary of the deposit with him of said deeds, in accordance with the provisions of section 2 of this Act, shall be conclusive evidence that the condition imposed by the said section 2 has been complied with by the said, the corporation of the city of London.

50 V. c. 89, s. 19 amended.

4. Sub-section 2, of section 19, of *The Act to Incorporate the Western Fair Association* is hereby amended, by substituting the words and figures, "seventy thousand dollars," for the words and figures, "sixty thousand dollars," therein.

## CHAPTER 51.

## An Act to consolidate certain debts of the Village of London West.

[Assented to 23rd March, 1888.]

**W**HEREAS the municipal council of the corporation of the Preamble.  
village of London West, have, by their petition, represented that the said corporation has a debenture debt of \$20,000 and has a floating debt of \$5,000 and upwards which has been incurred, in addition to the ordinary expenses of the said village, in consequence of the annual damage to the village by the waterworks dam erected and maintained by the city of London and the protracted litigation for the removal thereof, and that the imposition of a rate of twenty-three mills on the dollar has not been sufficient to materially reduce the said floating indebtedness, and that the payment of such floating indebtedness, otherwise than by borrowing the money to do so by the issue of debentures, would be oppressive to the rate-payers, and have, therefore, prayed that the said corporation be authorized to issue debentures to pay off the said floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of providing funds to meet and pay the said floating indebtedness of \$5,000, it shall be lawful for the said corporation of the village of London West, to raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same, a sum not exceeding \$5,000. Issue of debentures for \$5,000 authorized.

2. The said corporation may pass a by-law authorizing the said loan of \$5,000, and the issuing debentures therefor and such by-law shall not require to be submitted for and to receive the assent of the electors of the said village for the final passing thereof, but the other provisions of *The Municipal Act* shall apply thereto. Power to pass by-law authorizing loan.  
Rev. Stat. c. 184.

3. The money to be borrowed as aforesaid shall be applied by the said corporation in payment of the said floating indebtedness mentioned in the preamble to this Act. Application of proceeds of debentures.

4. No irregularity in the form of the said debentures or of the by-law authorizing the issue thereof shall render the same invalid, or be allowed as a defence to any action brought against Irregularities of form not to invalidate debentures.



against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or the application of the proceeds thereof.

## CHAPTER 52.

### An Act to incorporate the Village of Markdale.

[Assented to 23rd March, 1888.]

#### Preamble.

WHEREAS the unincorporated village of Markdale, in the county of Grey, has a population of one thousand souls or thereabouts, which is rapidly increasing and will increase, owing to the superior shipping facilities enjoyed by said village, its proximity to valuable water privileges, and other causes; and whereas for sanitary and other reasons it is necessary to increase the area of said village beyond the limits assigned to incorporated villages by *The Municipal Act*; and whereas the inhabitants of said village have by their petition represented that it is desirable to have said village incorporated in order to enable them more readily and efficiently to carry out necessary improvements; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### Village incorporated.

1. From and after the passing of this Act the inhabitants of the said unincorporated village of Markdale resident within the boundaries hereinafter described, shall be and they are hereby constituted a corporation or body politic, under the name of the "Corporation of the village of Markdale," separate and apart from the townships of Artemesia and Glenelg, in which the said village is situated, and they shall have and enjoy all the rights, powers and privileges now enjoyed, or which shall hereafter be conferred upon incorporated villages in the Province of Ontario.

#### Limits of village.

2. The said village of Markdale is hereby declared to comprise and consist of the following parcels of land, with the intervening roads, streets and highways, that is to say, lots numbers ninety-eight to one hundred and four inclusive in the first concession north-easterly of the Toronto and Sydenham road, in the township of Artemesia, lots ninety-eight to one hundred and four inclusive in the first concession, and lots ninety-eight to one hundred and two inclusive in the second concession

concession south-westerly of the Toronto and Sydenham road aforesaid, in the township of Glenelg, containing nine hundred and fifty acres more or less exclusive of roads; which said described lands and premises, with the intervening roads, streets and highways, shall hereafter be detached from the said townships and become the property of the said village of Markdale, in the same manner and to the same extent as if the said village of Markdale had been incorporated under *The Municipal Act*; and all the provisions of the said Act, Rev. Stat. c. 184. so far as the same relate to the disposition of real property in the case of the incorporation of a village under said Act, shall be taken to apply to the said village of Markdale.

3. After the passing of this Act it shall be lawful for William L. Young, of the said village of Markdale, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and four councillors, in Haskett's Hall, in the said village of Markdale, at the hour of noon, on the first Monday in the month of May next ensuing after the passing of this Act, of which he shall give at least one week's notice in the *Standard* newspaper, published in the said village, and by a like notice, posted up in at least ten conspicuous places in the said village; and the said William L. Young shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held in Haskett's Hall aforesaid in the said village on the same day of the week in the week next following the said nomination, and the duties of the said returning officer shall be the same as those required by law in respect to incorporated villages. Nomination for first election of mayor and councillors.

4. The council for said village, to be elected as aforesaid, shall hold its first meeting in Haskett's Hall aforesaid, at noon, on the same day of the week in the week next following the polling, and if there be no polling, on the same day of the week in the week next following the nomination. First meeting of council.

5. The clerks of the said townships of Artemesia and Glenelg shall, upon demand made upon them severally by the said returning officer or chairman hereinbefore mentioned, immediately furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll of each of the said townships as may be required to ascertain the names of all persons entitled to vote in each of the said townships at the said first election. Township clerks to furnish copies of assessment rolls.

6. At the first election the qualification of the electors and of the reeve and councillors for the said village and that of the other officers required to qualify, shall be the same. Qualification at first election.

same as that required in townships, and at all subsequent elections the qualification of the electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages.

Oaths of office  
and qualifica-  
tion.

7. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in villages.

Assets and  
liabilities.

8. The said village of Markdale shall be entitled to recover from each of the said townships of Artemesia and Glenelg such proportionate share of the assets belonging to each of the said townships, and such proportionate share of all moneys on hand and unappropriated, and of all money owing to and collectable by and of right belonging to each of the said townships respectively, at and prior to the time this Act shall come into force, or thereafter if entitled thereto, as the assessed value of that portion of said village lying within the limits of each of the said townships respectively, as shewn by the revised assessment roll for the year 1887, shall bear to the whole assessed value of each of the said townships respectively for the said year; and the said village shall be liable to pay to each of the said townships respectively a share in the same proportion of all debts and liabilities existing against each of the said townships respectively, at the time above mentioned, as the same shall become due, and which are fairly and equitably chargeable against the said village; and in case of dispute, the share to be paid and the share to be borne by each respectively shall be determined by arbitration according to the provisions of the municipal laws of Ontario.

Expenses of  
Act.

9. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, rolls, writings, deeds, or any matter or thing whatsoever required by the said returning officer or chairman, or by the clerk or other officers of the said village, or otherwise, shall be borne by the said village of Markdale, and paid by it to any person or party entitled thereto.

Village to form  
part of elec-  
toral district of  
Centre Grey.

10. The said village shall, for the purposes of representation in the Legislature of the Province of Ontario, belong to and form part of the electoral district of Centre Grey.

## CHAPTER 53.

An Act to extend the limits of the City of Ottawa and to re-arrange the Wards thereof and for other purposes.

*[Assented to 23rd March, 1888.]*

WHEREAS the corporation of the city of Ottawa by its Preamble. petition has represented that it is expedient to add to the present limits of the city of Ottawa the localities adjacent thereto hereinafter mentioned and described, and that it is desirable to extend the limits of the city of Ottawa by annexing the said territory thereto, and to re-arrange the wards thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All that portion of the township of Nepean, in the county of Carleton, comprised within the following limits, that is to say :—Commencing at the centre of the channel of the Ottawa River, at the north-west angle of the present boundary of the city of Ottawa, thence westerly and following the centre of the said channel of the Ottawa River against the stream to the westerly line of the Canadian Pacific Railway bridge across the said Ottawa River, then southerly in a straight line to where Mason street meets the water's edge of the Ottawa River, thence along the centre of Mason street to its intersection with the old road to the Little Chaudiere, thence south-easterly along the centre line of the said old road to the Richmond road, thence across the Richmond road to Fourth avenue, Bayswater, thence along the westerly boundary of Fourth avenue to Cedar street, thence easterly along Cedar street to its intersection with the westerly limit of the St. Lawrence and Ottawa branch of the Canadian Pacific Railway, thence along the westerly limit of the St. Lawrence and Ottawa branch of the Canadian Pacific Railway to the Rideau canal, thence easterly along the Rideau Canal to the present southerly boundary of the city of Ottawa, being the dividing line between lots E and F, in concession D, of the township of Nepean, thence westerly along the present southerly boundary of the city of Ottawa to the south-west angle of the present boundary of the city of Ottawa, thence in a northerly direction along the present westerly boundary of the city of Ottawa to Maria Street produced, thence westerly and northerly along the present boundary of the city of Ottawa to the place of beginning; and all that portion of the township of Gloucester, in the county of Carleton, comprised within the following limits, that is to say :—Commencing at the easterly boundary of

Territory  
added to City  
of Ottawa.



of the city of Ottawa where Ottawa Street meets the Rideau River, thence across the Rideau River to Beechwood Avenue, thence easterly along the centre of Beechwood Avenue to Butternut Terrace, thence along the centre of Butternut Terrace to Maple Lane, thence westerly along the centre of Maple Lane to Princess Terrace, thence in a southerly direction along the easterly boundary of that part of the city of Ottawa known as New Edinburgh Ward to the Rideau River, thence in an easterly direction along the water's edge of the Rideau River to the present site of the St. Patrick's Street Bridge, including that part of the Rideau River between the site of St. Patrick's Street Bridge and the Ottawa River, and all the islands situated in the said portion of the Rideau River. Also, that portion of the Ottawa River lying between the main shore and the following boundaries, that is to say: Commencing at that point where Ottawa Street in New Edinburgh Ward produced meets the Ottawa River; thence westerly in a direct line to the centre of the channel of the Ottawa River, thence southerly following the centre of the channel of the Ottawa River against the stream to the present boundary of the city of Ottawa, are hereby annexed to, and shall henceforth be included within the limits of the city of Ottawa (which limits are hereby extended so as to include the said territory) subject to the same provisions of law as if such addition had been made under *The Municipal Act* and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act.

Rev. Stat.  
c. 184.

Wards.

2. The said city of Ottawa, together with the said additional territory, is hereby divided into eight wards in manner described in the schedule to this Act.

Adjustment  
of debts and  
liabilities.  
Rev. Stat. c.  
184.

3. The debts and liabilities of the municipalities interested shall be adjusted between the said different municipalities in manner and form as is provided in such cases in *The Municipal Act* and amendments thereto.

Commence-  
ment of ss. 1-3.

4. The preceding sections of this Act shall not come into operation until the first day of January, 1889.

Assessment of  
vacant lands  
in added terri-  
tory.  
Rev. Stat. c.  
193.

5. Notwithstanding anything contained in *The Assessment Act*, in assessing the vacant ground, or ground used as a farm, garden or nursery, or for the purpose of piling sawn lumber thereon, and not in immediate demand for building purposes, in the territory added to the present limits of the city of Ottawa by this Act, the assessors shall value such land as though it was held for farming or gardening purposes, and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block or by the number of the lot and concession of the township in which the same may have

have been situated, as the case may be, and so long as the said land is assessed and in actual use as farming, gardening or nursery lands it shall not be liable for payment of water rates unless the water is actually supplied to the owner or occupant of such land.

6. The assessment of the said territory, hereinbefore annexed to the limits of the city of Ottawa, for the imposition of rates and taxes for the year 1889, may be made at the same time during the present year that the assessment of the city of Ottawa is being made for the year 1889. Time of making assessment in added territory.

7. The voters' lists of those portions of the township of Nepean and the township of Gloucester comprised within the territory by this Act annexed to the city of Ottawa for the year 1888, as finally revised for that year, are hereby confirmed, and the said voters' lists are hereby constituted the voters' lists for those portions of the city of Ottawa for the year 1888, and may be used at the elections for aldermen and school trustees for the year 1889 in the respective wards in which the said territory is included. Voters' lists confirmed.

8. The election of aldermen and school trustees for the wards mentioned in the schedule to this Act, may be held in the month of December, 1888, in accordance with the provisions of *The Municipal Act*, and the Acts of this Legislature relating to the election of school trustees. Election of aldermen and school trustees. Rev. Stat. c. 184.

9. And whereas it has been represented by the petitions of the Bytown and Nepean Road Company, the Nepean and North Gower consolidated macadamized road company, and the Ottawa and Gloucester Road Company, that portions of the road companies roads constructed by them will be and are embraced within the limits of the said city of Ottawa as extended by this Act: Therefore it is hereby enacted that the corporation of the city of Ottawa shall acquire so much of the said roads respectively as shall be and are embraced within the limits of the said city as enlarged by this Act, and shall pay the said companies for such portions respectively, and in case the said road companies and the said corporation do not, within six months after the passing of this Act, agree as to the amount of money to be paid for said portions of the said roads as aforesaid or as to the time of payment, the matter shall be settled by arbitration pursuant to the provisions of *The Municipal Act*. Corporation of Ottawa to purchase portions of certain roads.

10. It shall be lawful for the council of the corporation of the city of Ottawa, on the report of the health officer and the board of health, recommending the construction of a sewer or the draining of any locality for sanitary or drainage purposes, adopted by the council, to cause the said work to be done, and to raise by way of loan an amount of money sufficient Construction of drains by local assessment.

cient to pay the cost of such improvement or work by the issue of debentures, secured by special rate on the property benefited according to the frontage thereof, and to assess and levy such special rate upon the real property fronting or abutting on the street or place whereon or wherein such improvement or work is proposed to be done or made : provided, however, that the provisions of this section shall apply to subsidiary or branch sewers only and not to any main or trunk sewer.

Assent of electors to by-laws for drainage assessment not required.

Rev. Stat. c. 184.

11. The by-law or by-laws of the said corporation passed for the purpose of raising by way of loan the cost of any such improvement or work shall not require to be submitted to or to have the assent of the electors of the said city of Ottawa before the final passing thereof, nor shall it be necessary that any of the provisions of *The Municipal Act*, and amendments thereto relating to by-laws for creating debts, be complied with.

Issue of debentures for \$225,000 authorized.

Rev. Stat. c. 184.

12. And whereas it has been represented by petition that the corporation of the city of Ottawa has incurred liabilities, which are now maturing, to the amount of \$139,975, including the amount of certain mortgages on city property ; and whereas it will require a further sum of \$85,000 to pay for the construction of certain public works rendered necessary by the rapid growth of the city and the extension of its limits, it is therefore hereby enacted that it shall be lawful for the municipal council of the corporation of the city of Ottawa to pass a by-law or by-laws for borrowing a sum or sums of money not exceeding in the whole the sum of \$225,000, and to issue debentures therefor which may be made payable within such period not exceeding twenty years, and with such rate of interest not exceeding six per centum per annum, payable yearly or half-yearly as the said council may think fit, such by-law or by-laws to be submitted for the approval of the electors as required by the provisions of *The Municipal Act*.

## SCHEDULE.

### *Victoria Ward.*

Victoria Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the east by the Rideau Canal, and on the south by Sparks street, by that portion of Wellington street west of the intersection of Sparks street and by the Richmond road, on the north by the Ottawa River, and on the the west by the westerly boundary of the City of Ottawa as defined by this Act.

*Dalhousie*

*Dalhousie Ward.*

Dalhousie Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the East by Concession street, and by the road allowance between Concession C and first concession of the Township of Nepean, on the North by Wellington street, and by the Richmond road, on the West by the western boundary of the City of Ottawa as defined by this Act, and on the South by the southern boundary of the City of Ottawa as defined by this Act.

*Wellington Ward.*

Wellington Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the East by Bank Street and by the Bank street road, on the North by Sparks street, and on the West by Concession street, and on the South by the southern boundary of the City of Ottawa as defined by this Act.

*Central Ward.*

Central Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, and bounded on the east by the Rideau Canal, on the north by Sparks Street, on the west by Bank Street and by the Bank Street Road, and on the south by the southern boundary of the City of Ottawa as defined by this Act.

*St. George's Ward.*

St. George's Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of St. George's Ward in the said City of Ottawa.

*By Ward.*

By Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of By Ward in the said City of Ottawa.

*Ottawa Ward.*

Ottawa Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of Ottawa Ward in the said City of Ottawa.

*Rideau Ward.*

Rideau Ward shall include all that portion of the City of Ottawa, with the territory hereinbefore annexed thereto, lying east of the Rideau River.



## CHAPTER 54.

## An Act respecting the Town of Parkdale.

[Assented to 23rd March, 1888.]

## Preamble.

WHEREAS the corporation of the town of Parkdale have by their petition, prayed for special legislation relating to the several matters and things hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Local improvement provisions to apply to certain streets situated partly in Toronto and partly in Parkdale.

1. All the provisions of *The Municipal Act* as to local improvements, so far as they relate to streets or highways, shall apply to Dufferin street and Roncesvalles avenue, notwithstanding that the real property on the west side of Dufferin street and east side of Roncesvalles avenue is within the town of Parkdale, and the real property on the east side of Dufferin street and the west side of Roncesvalles avenue is within the city of Toronto, and that Dufferin street is within the city of Toronto and Roncesvalles avenue is within the town of Parkdale.

Agreements between municipalities authorized.

2. The councils of the said municipalities, after passing the by-laws for the doing of the work, are authorized and empowered to enter into agreements with each other as to the construction thereof, and as to the portion of the cost of such improvements to be borne by the real property in each municipality, and each of the said corporations is authorized and empowered to issue debentures for the portion of the said cost to be borne by the real property in such municipality. In case of disagreement the portion of said cost to be borne by the real property in each municipality is to be determined by arbitration pursuant to the provisions of *The Municipal Act*.

44 V., c. 44, s. 37, amended.

3. The Act respecting water and gas works at Parkdale, passed in the forty-fourth year of Her Majesty's reign and chaptered 44, is hereby amended by inserting the words "municipal or otherwise" after the word "corporation" in the second line of section 37.

Power as to issue of debentures extended.

4. The corporation of the town of Parkdale are hereby authorized and empowered, for the purposes mentioned in section 39 of the said Act as by this Act amended, to pass a by-law or by-laws and to issue debentures at any one time or from time to time to an amount not in the whole exceeding the sum of \$50,000 in addition to the sum of \$100,000 in said section

section 39 mentioned, upon the terms and subject to all the provisions and conditions in said section 39 mentioned, such by-laws to be submitted to the electors as in said section mentioned.

5. By-law number 432 of the corporation of the town of Parkdale for the issue of debentures to the amount of \$20,000 for the purposes in the next preceding section mentioned is hereby confirmed. The said sum of \$20,000 shall be deemed and taken to be part of the sum of \$50,000 aforesaid.

6.—(1) The corporation of the town of Parkdale are hereby authorized and empowered from time to time, or at any one time, to pass a by-law or by-laws for the issue of debentures, not exceeding in the whole the sum of \$20,000, for the purpose of paying all the expenses and liabilities of the said corporation in respect or on account of the Queen street subway, and from time to time to issue the said debentures to be payable at the expiration of twenty years from the date thereof, and to bear interest at the rate of five per cent. per annum payable half yearly.

(2) The said by-law or by-laws shall settle a certain specific sum to be raised annually for the payment of the interest during the currency of the debentures; also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient with the estimated interest on the investment thereof to discharge the debt when payable.

(3) In settling the sum to be raised annually for the payment of the debt the rate of interest on the investment shall not be estimated at more than five per centum per annum, to be capitalized yearly.

(4) The by-laws shall provide that such annual sum shall be raised and levied in each year by a rate sufficient therefor on all the ratable property in the municipality.

7. The corporation of the town of Parkdale are hereby authorized to change the assessment under drainage by-law number 285, by assessing one-tenth of the cost of the drainage works on the lands in schedules A and B in said by-law mentioned, and nine-tenths thereof on the lands in the said schedule B mentioned, instead of assessing one-tenth on the lands in schedule A, and nine-tenths on the lands in schedule B, and to make all necessary adjustments, refunds and collections consequent upon such change.

## CHAPTER 55.

## An Act to enable the Corporation of the County of Perth to sell certain Lands.

[Assented to 23rd March, 1888.]

## Preamble.

**W**HEREAS the corporation of the county of Perth by their petition have shewn that lots numbers 41, 42, 43, 86 and 87, in McCulloch's survey of park lot number 435 in the Canada Company's survey in the city of Stratford, were on the 10th day of October, A. D. 1851, conveyed to the provisional warden and council of the county of Perth, then one of the united counties of Huron, Perth and Bruce, and their successors in office for ever, for the express purpose of being a site on which to erect the gaol, court house and other public buildings of the said county, and that the county gaol, court house and registry office were built upon the said lands, in the year 1852, and have been used as such until recently the gaol and court house became inadequate, and new buildings have been erected upon other lands; the said site being deemed insufficient; and that the said county is desirous of selling the said lands, or so much thereof as may not be required in connection with the said registry office; and have prayed that the said lands be vested in the said corporation absolutely freed and discharged of every condition, and that the said corporation be enabled to sell and convey the said lands or so much thereof as may be deemed desirable; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested  
in corporation  
of county.

**1.** The said land composed of lots numbers 41, 42, 43, 86 and 87 in McCulloch's survey of park lot number 435 in the Canada Company's survey in the city of Stratford, in the county of Perth, is hereby vested in the corporation of the county of Perth, its successors and assigns for ever.

Sale of lands  
authorized.

**2.** The corporation of the county of Perth may sell the said lands or such part thereof as the council of the said county by by-law may direct, and the said council may pass a by-law or by-laws providing for the sale of the said land, either in one or more parcels, and such sale may be made either by public auction, tender or private contract, as to the said council may seem proper.

Execution of  
conveyances.

**3.** A conveyance of the said land or any part thereof may be made by the corporation of the county of Perth, and if signed by

by the warden and clerk, and countersigned by the treasurer of the said county, such conveyance shall be deemed to be in pursuance of a proper by-law of the said county duly passed.

4. The moneys realized by such sale shall be applied for such county purposes as the said council shall direct, but no purchaser shall be bound to see to the application of his purchase money. Application of purchase money.

## CHAPTER 56.

An Act to authorize the Corporation of the Town of Peterborough to issue Debentures.

*[Assented to 23rd March, 1888.]*

**W**HEREAS by the Act of the Parliament of Canada, passed in the twenty-fourth year of Her Majesty's reign, chapter 61, it is amongst other things enacted that it shall not be lawful for the corporation of the town of Peterborough to incur any further debt or liability than that authorized by said Act, beyond the current expenses, to be paid out of the annual assessment without the sanction of the Legislature; and whereas the said corporation has passed a by-law numbered five hundred and twenty-nine, entitled, "A By-Law to provide for the construction of permanent bridges over the creek on Brock, Simcoe, Charlotte, and other streets in the town of Peterborough, and also the locks bridge, and for the cribbing of Crescent Street," whereby it is provided that debentures of the said corporation for the sum of \$20,000, may, from time to time, be issued as required for the purpose of constructing certain bridges, of permanent materials, over the creek which flows through the said town, and to provide the town's share towards the erection of an iron bridge across the river at the locks, in the neighbourhood of the said town, and also to provide for the cribbing of Crescent street in said town, on the borders of the little lake, which said by-law has been approved by the ratepayers of the said town in the manner required by law, but, by reason of the said recited statute, the said by-law is inoperative without the sanction of the Legislature; and whereas the corporation of the town of Peterborough has, by petition, prayed that the sanction of the Legislature may be given to the incurring of such indebtedness in accordance with the said by-law, and that the said by-law may be confirmed and declared legal and valid, and it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



By-law No. 529  
confirmed.

1. Notwithstanding anything contained in the said recited Act, the by-law of the corporation of the town of Peterborough numbered five hundred and twenty-nine, entitled, "A By-Law to provide for the construction of permanent bridges over the creek on Brock, Simcoe, Charlotte and other streets in the town of Peterborough, and also the locks bridge, and for the cribbing of Crescent street," is hereby confirmed and declared to be, and to have been from the passing thereof, legal and valid, and the said corporation is hereby authorized and empowered to incur the indebtedness and to issue debentures to the amount of \$20,000 in the manner and for the purposes in said by-law provided.

## CHAPTER 57.

### An Act respecting the Town of Port Arthur and the Municipalities of Shuniah and Neebing.

*[Assented to 23rd March, 1888.]*

Preamble.

WHEREAS the corporations of the town of Port Arthur and of the municipalities of Shuniah and Neebing in the provisional judicial district of Thunder Bay, have by their petition set forth, that the corporation of the municipality of Shuniah in the then provisional judicial district of Algoma, was incorporated by an Act of this Legislature, passed in the thirty-sixth year of Her Majesty's reign and chaptered 50; and that the corporation of the municipality of Neebing in the then territorial district of Thunder Bay in the said then provisional judicial district of Algoma, was incorporated by an Act of this Legislature passed in the forty-fourth year of Her Majesty's reign and chaptered 43, and thereby detached from the municipality of Shuniah; and that the corporation of the town of Port Arthur in the said then territorial district of Thunder Bay, was incorporated by an Act of this Legislature passed in the forty-seventh year of Her Majesty's reign and chaptered 57, and thereby detached from the said municipality of Shuniah; and that by the said Acts and other Acts of this Legislature, provision was made for the arrangement, apportionment and settlement of the debts and matters referred to in the memorandum of agreement, report and deed, hereinafter mentioned, and incorporated in the schedules to this Act; and that by the said memorandum of agreement which was made on the 6th day of November, 1885, between the corporation of the municipality of Shuniah thereto of the first part, and the corporation of the municipality of Neebing thereto of the second part, the said municipalities settled and arranged between themselves the amount of the debenture debt of the municipality of Shuniah, to be assumed by each of the said municipalities respectively, and

and the terms on which it should be so assumed, which memorandum of agreement is set out in full in schedule A appended to this Act; and that by the said report, which was made on the 9th day of April, 1886, of a committee of the council of the corporation of the town of Port Arthur, appointed to adjust and settle all matters in question between the corporations of the town of Port Arthur and the municipality of Shuniah, and to agree to an apportionment between the said corporations of the property, assets, debts, liabilities and obligations of the municipality of Shuniah, the said matters in question were shewn to have been adjusted and settled, and the said apportionment to have been mutually and finally made, which report is set out in full in the schedule B appended to this Act; and that by the said deed which was made on the 23rd day of August, 1886, between the corporation of the town of Port Arthur thereto of the first part, the corporation of the municipality of Shuniah thereto of the second part, and the corporation of the municipality of Neebing thereto of the third part, reciting amongst other things the agreement between the corporations of the municipalities of Shuniah and Neebing as to the proportions in which the debenture debt of the municipality of Shuniah should be paid by each such municipality respectively, and reciting also the agreement between the corporation of the town of Port Arthur and the corporation of the municipality of Shuniah as to the apportionment between them of the property, assets, debts, liabilities and obligations of the municipality of Shuniah, and also reciting that the respective councils of the town of Port Arthur and the municipality of Shuniah had concurred in and adopted the said report of the said committee of the 9th of April, 1886, and also reciting the expediency of formally ratifying and confirming the said memorandum of agreement and report by the corporations of the said town of Port Arthur and of the municipalities of Shuniah and Neebing, that it was thereby witnessed that the said corporations of the municipalities of Shuniah and Neebing parties respectively of the second and third parts to the said deed agreed one with the other, that the said debenture debt of the original municipality of Shuniah should be assumed and paid as between themselves in the proportions mentioned in the said memorandum of agreement of the 6th of November, 1885, and that they thereby severally ratified and confirmed the terms of the said memorandum in all other respects, and that it was thereby further witnessed that the corporation of the town of Port Arthur and the corporation of the municipality of Shuniah parties respectively of the first and second parts to the said deed agreed the one with the other, that what remained of the said debenture debt of the original municipality of Shuniah should be assumed and paid as between themselves in the proportions mentioned in the said report of the 9th of April, 1886, and that they severally ratified and confirmed the terms of the said report in all other respects, and that it was further thereby witnessed

that

that the said several municipal corporations parties to the said deed, covenanted and agreed the one with the other and others of them that they were severally satisfied with the said agreements, and would cause to be taken all proper and requisite means to have the same ratified, legalized and confirmed by this Legislature, which deed is set out in full in schedule C appended to this Act; and whereas, by the said petition it is further set forth that it is desirable that the said deed of the 23rd of August, 1886, should be legalized, validated and confirmed by this Legislature; and whereas, by the said petition it is further set forth that doubts have arisen as to whether or not the said corporation of the town of Port Arthur has under its Act of incorporation, as was intended, all the powers of an incorporated town separated from a county for municipal purposes, and that it is expedient, in view of its position, that such doubts should be removed and that the powers of the said corporation of the town of Port Arthur should be declared and confirmed; and whereas, by the said petition it is further set forth that doubts have also arisen as to whether or not the said corporations of the town of Port Arthur and of the said municipalities of Shuniah and Neebing have, as was intended, power to add ten per cent. on arrears of taxes referred to in *The Assessment Act* in respect of arrears of taxes in the said several corporations, and it is desirable that the said doubts should be set at rest by this Legislature; and whereas the reeves of the municipalities of Shuniah and Neebing, and the mayor of the said town of Port Arthur, have appeared and represented that no opposition exists in the said municipalities to the granting of the prayer of the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Deed and memorandum of arrangement between Port Arthur, Shuniah and Neebing legalized.

1. The said deed of the 23rd day of August, 1886, made between the corporations of the town of Port Arthur and of the municipalities of Shuniah and Neebing, and set out in full in the schedule C appended to this Act, and also the said memorandum of agreement of the 6th day of November, 1885, made between the corporations of the municipalities of Shuniah and Neebing, and the said report of the 9th day of April, 1886, of the committee of the council of the corporation of the town of Port Arthur, both referred to in the said deed and set out in full in the schedules A and B respectively to this Act appended, are hereby in all respects confirmed and made legal and valid for every purpose, object and intent.

Port Arthur to have same powers as towns separated from counties.

2. The Act passed in the forty-seventh year of Her Majesty's reign and chaptered 57, intituled, *An Act to Incorporate the Town of Port Arthur*, is hereby declared to have conferred on the corporation of the town of Port Arthur thereby incorporated, all the powers, rights and privileges, so far



far as they can and may be exercised by it, which incorporated towns in Ontario separated from their respective counties for municipal purposes, have, enjoy and exercise.

3. Section 157 of chapter 193 of the Revised Statutes of Ontario, 1887, intituled, *An Act respecting the Assessment of Property*, is hereby declared to apply and to have always applied to the municipalities of Shuniah and Neebing and to the town of Port Arthur. Power of Port Arthur, Shuniah and Neebing as to arrears of taxes.

4. Nothing in this Act contained shall affect any action or proceeding now pending. Pending proceedings not affected.

## SCHEDULE A.

### *Exhibit A.*

Memorandum of agreement made in duplicate this sixth November, A. D., 1885, between the corporation of the municipality of Shuniah of the first part, and the corporation of the municipality of Neebing of the second part;

Whereas, both of the said municipalities were included in the municipality of Shuniah;

And whereas, by an Act of the Province of Ontario, passed in the forty-fourth year of Her Majesty's reign, entitled *An Act to organize the Municipality of Neebing*, the said municipality of Neebing was withdrawn from the said municipality of Shuniah and constituted a body corporate under the name of the corporation of the municipality of Neebing;

And whereas, prior to the passing of the said Act, to wit, in the year of our Lord one thousand eight hundred and seventy-five, the original municipality of Shuniah issued its debentures for the sum of \$35,000, payable in twenty years from the date thereof, with interest payable half-yearly;

And whereas, by an agreement dated the 5th day of October, A. D., 1881, made between the parties hereto, certain terms of settlement between the said parties hereto were agreed upon;

And whereas, the proportion of the said debenture debt of \$35,000, to be borne by each of the parties hereto, was not agreed upon;

And whereas, the parties hereto have agreed to settle the amount of said debenture debt to be assumed by each on the terms and conditions herein contained;

Now therefore, this agreement witnesseth as follows:—

The said party of the second part for itself and its successors assumes the payment of \$10,500 of the said debenture debt from the date of the issue of the said debentures, together

with



with all interest thereon, and covenants and agrees to save harmless the said party of the first part and its successors from time to time and at all times hereafter from and against all loss, cost, charges, damages, and expenses which the said party of the first part or its successors may at any time hereafter sustain or be put to by reason of the said party of the second part not paying the interest on the said assumed debentures as it falls due from time to time, or not paying the said assumed debentures at the maturity thereof.

And the said party of the first part for itself and its successors agrees to save harmless the said party of the second part and its successors from time to time and at all times hereafter from and against all loss, cost, charges, damages, and expenses which the said party of the second part or its successors may at any time hereafter sustain or be put to by reason or on account of the said party of the second part having to pay the interest or any other of the said debentures, other than the said \$10,500 so assumed by them, or having to pay more of the said debentures than the \$10,500 so assumed.

All moneys heretofore paid by either of the parties hereto on account of said debentures shall be deemed to have been properly paid, and neither party shall claim from the other any amount for any money paid on said account.

Any portion of said agreement dated 5th October, 1881, varying from or inconsistent herewith, is hereby rescinded.

The said party of the second part to pay interest on \$12,500, for the payment due on 1st January, A. D., 1885, and on \$10,500 for the payment due on 1st July, A. D., 1885.

In witness whereof the parties hereto have caused to be affixed hereto their respective seals, and the reeves and clerks of the said corporations have hereunto set their hands.

W. F. DAVIDSON,

Reeve,

W. H. LANGWORTHY,

Clerk and Treasurer,

{ L. S. }

SIDNEY SMITH,

Reeve,

W. McLEAN,

Clerk.

{ L. S. }

## SCHEDULE B.

*Exhibit B.*

Report of committee appointed to meet with a committee of the township municipal council of Shuniah and arrange a basis of settlement of all accounts and matters outstanding between the councils of Shuniah and Port Arthur.

1. Your committee beg to report that in accordance with resolution 6 of the adjourned first meeting of your council, held on the 18th day of January, 1886, they have been in communication with a committee appointed by the council of Shuniah, at the seventh meeting of the twelfth council of the said municipality, held on the said 18th day of January, 1886, in regard to the adjustment and settlement of all accounts and matters in question between the two municipalities.

2. That the joint committee of the said municipalities appointed as aforesaid at a meeting thereof, held on Tuesday, the 6th day of February, 1886, appointed by resolution a sub-committee, composed of W. F. Davidson, reeve of Shuniah, George T. Marks, chairman of committee of finance of Port Arthur, and W. H. Langworthy, clerk and treasurer of both municipalities, to investigate the said accounts and matters in question and to report thereon to the said committee.

3. That the said sub-committee having gone fully into the questions at issue, have presented to the said committees a report thereon, which report has been adopted by the respective committees, both separately and jointly.

4. That your committee now recommend to the council, that the said report, which has been adopted by them, be received, confirmed, and adopted by the council, a copy of which is attached hereto and embodied in and made part of this report.

[Signed]

GEO. H. MACDONELL,

Chairman of the Committee.

Port Arthur, April 9th, 1886.

---

*Settlement between the Municipality of Shuniah and  
Port Arthur.*

The sub-committee composed of Messrs. W. F. Davidson, reeve of Shuniah, George T. Marks, chairman of the finance committee of the corporation of the town of Port Arthur, and W. H. Langworthy, clerk and treasurer of both the said municipalities, appointed jointly by the settlement committees of the councils of Shuniah and Port Arthur, beg to report as follows:—

1. That the debenture debt of the original municipality of Shuniah is \$35,000 with accrued and unpaid coupon interest thereon

thereon to January 1st, 1886, \$3,675 and overdue interest thereon to March 1st, 1886, as per Mr. J. H. Mason's letter of January 26th, 1886, of \$187.18 as follows:

|  |             |
|--|-------------|
| Debentures.....  | \$35,000 00 |
| Coupons due January 1st, 1885 ....                     | 1,225 00    |
| do. July 1st, 1885 .....                               | 1,225 00    |
| do. January 1st, 1886.....                             | 1,225 00    |
| Overdue interest on coupons to March<br>1st, 1886..... | 187 18      |
|  | <hr/>       |
|  | \$38,862 18 |

2. That the municipalities of Shuniah and Neebing having arranged a settlement as to the proportions to which each municipality is to be liable for the original debenture debt which is as follows:—

|              |             |
|--------------|-------------|
| Shuniah..... | \$24,500 00 |
| Neebing..... | 10,500 00   |
|              | <hr/>       |
|              | \$35,000.00 |

Each of said municipalities of Shuniah and Neebing to pay the overdue interest and arrange for the sinking fund on such debentures in like proportions, save and except that the municipality of Neebing has to pay such proportion of the coupon interest (together with overdue interest thereon), due January 1st, 1885, which will be represented by the sum of \$12,500 instead of \$10,500, which would shew amount due for coupons as follows:—..... \$3,675.00

|   |            |            |            |
|---|------------|------------|------------|
| Shuniah.....  | \$2,502 50 |            |            |
| Neebing.....  |            | \$1,172 50 |            |
| Interest on coupons overdue<br>to March 1st, '86..... |            |            | 187 18     |
| Shuniah.....  | 124 68     |            |            |
| Neebing.....  |            | 62 50      |            |
|   | <hr/>      | <hr/>      | <hr/>      |
|   | \$2,627 18 | \$1,235 00 | \$3,862 18 |

3. That according to the said settlement between the municipalities of Shuniah and Neebing, the proportions of the said debenture debt, interest, overdue interest and sinking fund, for which the joint municipalities of Shuniah and Port Arthur are liable, will be as follows:—

|                       |             |
|-----------------------|-------------|
| Debenture debt .....  | \$24,500 00 |
| Coupons overdue.....  | \$2,502 50  |
| Interest thereon..... | 124 68      |
|                       | <hr/>       |
|                       | 2,627 18    |
|                       | <hr/>       |
|                       | \$27,127 18 |

4. That of the said last mentioned amounts, the apportionment of said debt between the municipalities of Shuniah and Port Arthur, according to the last revised assessment roll of Shuniah, prior to the separation of said municipalities on the incorporation of the town of Port Arthur, is as follows :—

|  |                   |
|--|-------------------|
| Total assessment.....  | \$386,062 00      |
| Assessment on lands taken into Port Arthur..                     | \$266,336 00      |
| Port Arthur's proportion of debenture<br>debt on assessment..... | \$17,000 00       |
| Shuniah's proportion of debenture debt<br>on assessment.....     | 7,500 00          |
|  | <hr/> \$24,500 00 |

Coupons due January 1st, July 1st, 1885,  
and Jan. 1st, 1886.

|                  |                 |
|------------------|-----------------|
| Port Arthur..... | \$1,736 43      |
| Shuniah, .....   | 766 07          |
|                  | <hr/> \$2502 50 |

Interest on overdue coupons :

|                   |                   |
|-------------------|-------------------|
| Port Arthur,..... | \$86 51           |
| Shuniah.....      | 38 17             |
|                   | <hr/> \$124 68    |
|                   | <hr/> \$27,127 18 |

or

|   |                   |
|---|-------------------|
| Liabilities of Port Arthur, for debentures. | \$17,000 00       |
| do. Shuniah, .....                          | \$7,500 00        |
| Coupon interest .....                       | 1,736 43          |
| Interest on overdue coupons.....            | 86 51             |
|   | <hr/> \$18,822 94 |
|   | <hr/> \$8,304 24  |

Total .....\$27,127 18

5. That the interest paid by Shuniah on September 27th, 1884, \$786 for her proportion of coupon interest, due July 1st, 1884, of \$1,225, be apportioned as follows :

|                   |              |
|-------------------|--------------|
| Shuniah .....     | 240 61       |
| Port Arthur ..... | 545 39       |
|                   | <hr/> 786 00 |

and that Port Arthur do now pay to the municipality of Shuniah, the sum of \$599.64, being for interest paid as above. .... 545 39  
Interest on above amount to March 1st, 1886 ..... 54 25  

---

599 64

6. That each of the said municipalities of Shuniah and Port Arthur



Arthur shall assume the sinking fund on their respective portions of the said debenture debt as follows.

|                  |            |
|------------------|------------|
| Shuniah.....     | \$7,500 00 |
| Port Arthur..... | 17,000 00  |

which should have accrued, or may hereafter accrue, on said proportions of the said debt, and that the respective municipalities indemnify each other against all charges which may arise for the non-payment of the said debenture debt or interest thereon.

7. That Messrs. Roaf & Roaf's account of \$324.90, for defending suits of Western Assurance Company, and which still remains unpaid, shall be apportioned as follows:—

|                  |         |
|------------------|---------|
| Shuniah.....     | \$99 46 |
| Port Arthur..... | 225 44  |

---

\$324 90

8. That the notes issued by the municipality of Shuniah for water frontages granted to the Canadian Pacific Railway Company, and which were afterwards paid by the municipality of Port Arthur, and the interest thereon, both of which notes and interest appear at the debit of the municipality of Shuniah in the books of the corporation of Port Arthur, be assumed by the said municipality of Port Arthur only, and that the amount of the said account be credited to the said municipality of Shuniah in the said books of the corporation of Port Arthur, viz., for purchase from

|                        |            |             |
|------------------------|------------|-------------|
| Hon. J. C. Aikins..... | \$1,000 00 |             |
| John Catto .....       | 1,000 00   |             |
| C. P. Brown .....      | 1,000 00   |             |
|                        |            | <hr/>       |
|                        |            | \$3,000 00  |
| Interest thereon.....  |            | 89 76       |
| F. S. Nugent.....      | 1,000 00   |             |
| Interest thereon.....  |            | 136 79      |
| D. F. Burk.....        | 1,000 00   |             |
|                        | 1,000 00   |             |
|                        | 1,000 00   |             |
|                        | 1,000 00   |             |
|                        |            | <hr/>       |
|                        |            | 4,000 00    |
| Interest thereon.....  |            | 226 82      |
| W. H. Laird.....       |            | 1000 00     |
| Interest thereon.....  |            | 55 44       |
| G. T. Marks.....       | 1,000 00   |             |
|                        | 1,000 00   |             |
|                        |            | <hr/>       |
|                        |            | 2,000 00    |
| Interest thereon.....  |            | 110 88      |
| Thomas Marks.....      | 264 00     |             |
|                        | 500 00     |             |
|                        |            | <hr/>       |
|                        |            | 764 00      |
| Interest thereon.....  |            | 42 68       |
|                        |            | <hr/>       |
|                        |            | \$12,426 37 |

9. That the amount paid J. D. Ronald by the corporation of Port Arthur, in connection with steam fire engine and charged to the municipality of Shuniah in the books of Port Arthur, be assumed by Port Arthur, and that the said amount of \$4,619.76 be credited to the account of the municipality of Shuniah as it now stands in the books of Port Arthur.

10. That the sum of \$175.00 charged to the municipality of Shuniah in the books of Port Arthur for amount paid Ontario Bank for balance of overdrawn account of Public School trustees, be credited to the municipality of Shuniah in the said books.

11. That the sum of \$35.31, for sundry disbursements made by Port Arthur on account of Shuniah and charged to said account, be credited as aforesaid to account of the municipality of Shuniah.

12. That the following appliances in connection with the fire department be transferred to Port Arthur:—

|  |            |
|--|------------|
| Hand engine, hose, etc., valued at.... | \$1,000 00 |
| Amount paid by Shuniah to J. D.        |            |
| Ronald on account Steamer....          | 1,350 00   |
| Building valued at.....                | 2,000 00   |
|  | <hr/>      |
|  | \$4,350 00 |

12a. That all arrears of taxes at July 1st, 1883, and now remaining unpaid, on the north and south wards of Prince Arthur's Landing and on such other lots as are now embraced in the town of Port Arthur, and amounting to \$3,450.03, be transferred to Port Arthur.

13. That all streets, roads, crossings, sidewalks, and all permanent and other improvements shall become the property and belong to the respective municipalities in which they are situated.

14. That the sum of \$3,400.36 shall be paid to the municipality of Shuniah by the corporation of the town of Port Arthur in full discharge and settlement of all outstanding accounts between the two municipalities, such amount to be exclusive of and over and above the items of \$599.64 and \$225.44 mentioned in clauses 5 and 6 of this report.

15. That the Clerk be instructed to furnish the municipality of Neebing with a statement of her proportion of the debenture debt, coupon interest and overdue interest thereon, amounting to \$11,735.00 as per this report.

16. That if it is deemed expedient then that the municipalities of Shuniah and Neebing be requested to join with Port Arthur

Arthur in procuring legislation to legalize the settlement between Shuniah and Neebing, dated the 6th day of November, 1885, and this settlement.

\* 17. That an agreement be drawn to this effect, and the same be ratified by the Councils of both municipalities, and that a copy of this report be a portion of said agreement.

W. F. DAVIDSON, *Reeve of Shuniah.*

GEORGE T. MARKS, *Chairman of Finance P. A.*

W. H. LANGWORTHY, *Clerk.*

---

### SCHEDULE C.

This indenture, made in triplicate this twenty-third day of August, one thousand eight hundred and eighty six, between the corporation of the town of Port Arthur, of the first part, the corporation of the municipality of Shuniah, of the second part, and the corporation of the municipality of Neebing, of the third part.

Whereas, the territorial limits of the several corporations parties hereto comprised originally the territorial limits of and was the municipality of Shuniah, incorporated by the Act of the Ontario Legislature, being chapter 50 of the 36th Victoria ;

And whereas, by the Act of the said Legislature, being chapter 43 of 44th Victoria, the corporation of the municipality of Neebing was organized out of the said municipality of Shuniah, and by that Act formed into a separate municipality ;

And whereas, by another Act of the said Legislature, being 47th Victoria, chapter 58, the town of Port Arthur was incorporated also out of part of the said municipality of Shuniah ;

And whereas, the said corporation of the municipality of Shuniah, prior to the formation thereof of the said corporation of Neebing, incurred liability and issued its debentures to the extent of thirty-five thousand dollars, hereinafter mentioned, for which debentures the parties hereto are still jointly and severally liable to the holders thereof ;

And whereas, under the provisions of the said Act of 44th Victoria, the corporations of Neebing and Shuniah, in pursuance of the sections numbered from 50 to 60 of the then Municipal Act, mutually agreed as to the several proportions of the said debenture debts of the said original municipality of Shuniah, which should be paid by each respectively, to wit :

twenty-four

twenty-four thousand five hundred dollars by the said municipality of Shuniah, and ten thousand five hundred dollars by the said municipality of Neebing ;

And whereas, the corporation of the town of Port Arthur, in pursuance of its said Act of incorporation, agreed with the municipality of Shuniah as to the apportionment between them of the property, assets, debts, liabilities and obligations of the municipality of Shuniah ;

And whereas, the terms of agreement between the said municipalities of Shuniah and Neebing are embraced in a memorandum of agreement, made the sixth day of November, one thousand eight hundred and eighty-five, under the respective seals of the said municipalities, and the hands of their respective reeves and clerks, whereby it appeared that the debt of the original municipality of Shuniah was wholly composed of a debenture debt of thirty-five thousand dollars, payable as in the said agreement mentioned, and whereby it appeared that of that debt the corporation of the municipality of Neebing assumed the payment of ten thousand five hundred dollars, as set out in the said memorandum, a copy whereof, marked exhibit "A," is hereto attached ;

And whereas, the corporation of the town of Port Arthur and the municipality of Shuniah, in pursuance of the said Act of incorporation of the town of Port Arthur, duly appointed a committee, composed of William Frederick Davidson, the reeve of Shuniah, George Thomas Marks, the chairman of the committee of finance of Port Arthur, and William Howard Langworthy, the clerk and treasurer of both the said municipalities, to arrange a basis of apportionment between the said municipalities of the property, assets, debts, liabilities and obligations of the municipality of Shuniah, and the said committee did, on the 9th day of April, one thousand eight hundred and eighty-six, report to the said municipalities in the terms set out in their report, a copy whereof is hereunto annexed, marked exhibit "B" ;

And whereas, the respective councils of the town of Port Arthur and the municipality of Shuniah concurred in and adopted the said report ;

And whereas, it is expedient that the terms of the said memorandum of agreement, made between the municipalities of Shuniah and Neebing, and of the said report of the said committee, should be by these presents formally ratified and confirmed by the several municipalities parties hereto.

Now, this indenture witnesseth as follows, namely :

The corporation of the municipality of Shuniah, party hereto of the second part, and the corporation of the municipality of Neebing, party hereto of the third part, covenant and agree the one with the other that the proportions of the said debenture debt of the original municipality of Shuniah should be assumed and paid as between themselves in the proportions mentioned in the said memorandum, namely, ten thousand  
sand



sand five hundred dollars thereof, together with the interest thereon from the first day of January, one thousand eight hundred and eighty-five, by the said municipality of Neebing, and the balance of the said debenture debt, being twenty-four thousand five hundred dollars, together with the interest thereon, by the said municipality of Shuniah; and the said municipalities of Neebing and Shuniah do hereby severally ratify and confirm the terms of the said memorandum of agreement in all other respects.

And the corporation of the town of Port Arthur, party hereto of the first part, and the corporation of the municipality of Shuniah party hereto of the second part, covenant and agree, the one with the other, that the proportions of what remained of the said debenture debt of the original municipality of Shuniah, being the said original amount thereof, after deducting the proportion thereof assumed as aforesaid by the said municipality of Neebing, should be assumed and paid as between them, the said municipalities of Port Arthur and Shuniah, in the proportions mentioned in the said report of the said committee, namely, seventeen thousand dollars by the said corporation of Port Arthur, with the interest mentioned in the said report, and the balance of the said debenture debt, being seven thousand five hundred dollars, together with interest thereon, also in the said report mentioned, by the said municipality of Shuniah; and the said corporation of Port Arthur and the municipality of Shuniah do hereby severally ratify and confirm the terms of the said report in all other respects.

And further, it is hereby witnessed that the said several municipal corporations parties hereto, severally covenant and agree, the one with the other, and others of them, that they are severally satisfied with the said agreements, and will cause to be taken all proper and requisite means to have the several agreements in these presents contained ratified, legalized and confirmed by the Legislature of the Province of Ontario in such manner and form and at such time as the said several corporations parties hereto may be by their counsel or solicitors respectively advised.

And these presents further witness that the said municipal corporations parties hereto covenant, the one with the other or others of them, that they shall do and take all lawful measures and adopt all reasonable means to effect such an arrangement with the holders for the time being of the said debentures, to issue such substitutional debentures therefor of the several said municipalities as will leave the said several municipalities liable only to the said holders for the amounts for which, as between the said municipalities themselves they are severally by the said hereinbefore recited agreement and these presents liable.

As witness the hands of the mayor of the said corporation of the town of Port Arthur, and of the several reeves of the said other corporations parties hereto, and the hands of the several  
clerks

clerks of the said municipalities, and the several corporate seals thereof hereto attached.

Signed, sealed and delivered }  
in the presence of }  
(Sd.) A. S. WINK. }

|       |                    |                                |
|-------|--------------------|--------------------------------|
| (Sd.) | GEO. H. MACDONELL, | { Seal of<br>Port<br>Arthur. } |
|       | Mayor.             |                                |
| (Sd.) | W. H. LANGWORTHY,  | { Seal of<br>Shu-<br>niah. }   |
|       | Clerk.             |                                |
| (Sd.) | W. F. DAVIDSON,    | { Seal of<br>Shu-<br>niah. }   |
|       | Reeve.             |                                |
| (Sd.) | W. H. LANGWORTHY,  | { Seal of<br>Neeb-<br>ing. }   |
|       | Clerk.             |                                |
| (Sd.) | SYDNEY SMITH,      | { Seal of<br>Neeb-<br>ing. }   |
|       | Reeve.             |                                |
| (Sd.) | W. MCLEAN,         | { Seal of<br>Neeb-<br>ing. }   |
|       | Clerk.             |                                |

## CHAPTER 58.

### An Act to consolidate the Debt of the Town of Ridgetown.

*[Assented to 23rd March, 1888.]*

WHEREAS the corporation of the town of Ridgetown has incurred debts secured by their debentures amounting to \$45,000 inclusive of a floating debt and liabilities for school purposes amounting to \$4,000 unsecured by debentures and unprovided for; and whereas the aggregate rate of two cents on the dollar on the whole ratable property in the said town is insufficient to meet the current annual expenses of the said town and the payments coming due upon the said indebtedness during the next twenty years; and whereas the said corporation by their petition have prayed that the said secured and unsecured debts may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the town of Ridgetown are hereby consolidated at the sum of \$45,000, and it shall and may be lawful for the corporation of the said town of Ridgetown, to raise Debts consoli-  
dated.

raise by way of loan on the credit of the debentures herein-after mentioned, and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum or sufficient sums to retire the said recited debentures as they respectively become due not exceeding in the whole the said sum of \$45,000, exclusive of the interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the town of Ridgetown to pass a by-law, or from time to time to pass by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being in such sums not exceeding \$45,000 in the whole as the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be payable either in this Province or Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the said corporation may deem expedient.

Power to borrow on debentures.

3. The corporation of the said town may, for the purpose in section 6 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of January in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Special rate.

5. For the payment of debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year), which shall be sufficient to pay the said debentures as they respectively mature, together with the interest thereon, payable as aforesaid.

Application of debentures.

6. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the town of Ridgetown and in payment of the said floating and unsecured debt of the town, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Outstanding debentures may be called in.

7. The treasurer of the said town shall, on receiving instructions from the council so to do from time to time, but only with consent of the holders thereof, call in any of the outstanding debentures



debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

8. Any by-law to be passed under and in pursuance of the provisions of this Act authorizing the said loan, shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debt satisfied.

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said town, or in the redemption of the debentures issued under the authority of this Act, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate but not to any greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve. Investment of sinking fund.

10. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section 6 of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such deposits, and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and Treasurer to keep books of account.  
of



of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any of such debentures.

Form of debentures.

**11.** The debentures issued under the preceding sections of this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws for the special rate for the payment of the said debentures and interest may be in the form of schedule B to this Act.

Irregularities of form not to invalidate debentures.

**12.** No irregularity in the form either of the said debentures to be issued under the preceding sections of this Act, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Assent of electors to by-laws not required.

**13.** It shall not be necessary to obtain the assent of the electors of the said town of Ridgetown to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Liability of corporation not affected.

**14.** Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Ridgetown from any indebtedness or liability which may not be included in the said debt of the said town of Ridgetown.

Inconsistent provisions of Municipal Acts not to apply.

**15.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

## SCHEDULE A.

No. \_\_\_\_\_

\$ \_\_\_\_\_

### CONSOLIDATED DEBT DEBENTURE.

*Province of Ontario, Town of Ridgetown.*

Under and by virtue of the Act entitled "*An Act to consolidate the debt of the Town of Ridgetown*," passed in the fifty-first year of the reign of Her Majesty, Queen Victoria, and chaptered \_\_\_\_\_, and by virtue of by-law No. \_\_\_\_\_ of the corporation of the town of Ridgetown, passed under the provisions contained in the said Act, the corporation of the town of Ridgetown promise to pay to the bearer at \_\_\_\_\_, in \_\_\_\_\_ the

the sum of            on the            day of            , A. D.    and the  
yearly coupons hereto attached, as the same shall severally  
become due.

Dated at Ridgetown in the county of Kent this            day  
of            A.D.

A. B.

Mayor.

[L.S.]

C. D.

Treasurer.

### SCHEDULE B.

By-law No.            to authorize the issue of            debentures  
under the authority of *An Act to consolidate the debt of the  
town of Ridgetown*, passed in the fifty-first year of Her Ma-  
jesty's reign and chaptered            , and to impose a special rate  
for the payment of the said debentures.

Whereas, the said Act authorizes the issue of debentures for  
the purpose therein mentioned to be known as "Consolidated  
Debt Debentures" not exceeding the sum of \$45,000 in the whole  
as the corporation of the town of Ridgetown may direct.

And whereas, for the purposes mentioned in the said Act  
it is necessary and expedient to issue debentures to the extent  
of \$            payable on the            day of            with interest thereon at  
the rate of            per cent. per annum, payable yearly according to  
the coupons to the said debentures attached.

And whereas, the said Act requires for payment of the  
debentures to be issued thereunder that the council shall  
impose a special rate per annum which shall be sufficient in  
each and every year (over and above and in addition to all  
other rates to be levied in each year) to pay the said deben-  
tures as they respectively mature, together with the interest  
thereon, and it will require the sum of \$            to be raised  
annually for the said interest and principal.

And whereas, the amount of the whole ratable property of  
the town of Ridgetown according to the last revised assessment  
roll of the said town, being for the year one thousand eight  
hundred and            was

Therefore the municipal corporation of the town of Ridge-  
town hereby enacts as follows:—

1. That debentures under the said Act and for the purpose  
therein mentioned to be known as "Consolidated Debt Deben-  
tures" to the extent of the sum of \$            are hereby authorized  
and directed to be issued.

2. The said debentures shall have coupons thereto attached  
for the payment of the interest at the rate of            per cent. per  
annum payable yearly on the first day of January in each  
year.

3.

3. And for the purpose of the payment of the said debentures and the interest at the rate aforesaid, to become due thereon the sum of        over and above and in addition to all other sums or rates shall be raised, levied and collected in each year upon all ratable property in the said town of Ridgetown during the continuance of the debentures or any of them.

This by-law, passed in open council this        day of        in the year of our Lord one thousand eight hundred and

## CHAPTER 59.

An Act defining a portion of the Boundary between the Town of Sandwich and the Township of Sandwich West.

[Assented to 23rd March, 1888.]

Preamble.

WHEREAS the corporation of the township of Sandwich West, the corporation of the town of Sandwich and the owner of the lands hereinafter mentioned, have by their petition prayed that certain portions of park lots nine and ten, on the south side of the Centre road in the said town of Sandwich, which are separated from the said town by that main road or highway known as the Malden road, may be detached from the said town of Sandwich and annexed to the said township of Sandwich west; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands detached from Town of Sandwich and added to Township of Sandwich West.

1. From and after the passing of this Act, those certain portions of park lots nine and ten, on the south side of the Centre road in the town of Sandwich, which are more particularly described as follows:—Commencing at the south-east angle of park lot number ten, thence north seventy-four degrees, west twenty-two chains and sixty links to the east limit of the Malden road, thence north following said limit ninety links, thence north sixty-three degrees east, following the southerly limit of said Malden road fifteen chains and eighty-eight links to the westerly limit of the Huron church line, thence south twenty-eight degrees east, following said westerly limit sixteen chains and seventeen links to the place of beginning, containing by admeasurement thirteen and eighty-three one hundredths acres shall cease to be within the corporate limits of the said town of Sandwich, and shall be and become a portion of the township of Sandwich West, and shall for all purposes be within the corporate limits of the said township.

2. That portion of the said Malden road which forms a boundary limit between the said town of Sandwich and the said township of Sandwich West shall, after the passing of this Act, be exclusively within the jurisdiction of the said township of Sandwich West, and shall be kept open to the public and in repair by the said township.

Portion of Malden road to be under exclusive jurisdiction of township.

3. For the purposes of assessment this Act shall take effect as from the first day of January, 1888.

Assessment for 1888.

## CHAPTER 60.

### An Act to legalize a certain By-Law of the Town of Sault Ste. Marie.

[Assented to 23rd March, 1888.]

WHEREAS the corporation of the town of Sault Ste. Marie by their petition have represented that on the 28th day of December, 1887, they did pass a by-law numbered sixteen granting a bonus of \$20,000 to the Canadian Pacific Railway Company, and authorizing the issuing of debentures therefor after the said by-law had been duly approved by the rate-payers; and whereas, to avoid any doubt as to the validity of the by-law, and as to the authority of the town to issue the debentures therein authorized, the corporation have prayed that an Act may be passed to render the said by-law valid and legal; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The aforesaid by-law number sixteen of the municipal council of the corporation of the town of Sault Ste. Marie is hereby confirmed and declared legal and valid to all intents and purposes, and the debentures issued under said by-law are hereby declared valid and binding upon the said corporation of the town of Sault Ste. Marie and the ratepayers thereof.

By-law confirmed.



## CHAPTER 61.

## An Act to incorporate the Town of Stayner.

[Assented to 23rd March, 1888.]

## Preamble.

WHEREAS the village of Stayner, in the county of Simcoe, is and has been for a number of years an important grain market in said county, and is increasing rapidly in population; and whereas the present corporation limits of the said village intersect lots in such a manner as to cause great confusion in assessing the same; and whereas the council of the said village have, by their petition, represented that the incorporation of the said village as a town, and the extension of the limits, so as to include certain portions of the surrounding township of Nottawasaga, would be of very great benefit to said village, insure its future prosperity, and enable its inhabitants to make suitable regulations for the defining of fire limits, and the protection and improvement of property generally; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incor-  
porated.

1. On and after the passing of this Act the said village of Stayner shall be and is hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Stayner," and shall enjoy and have all the rights, powers and privileges which could have been exercised and enjoyed by the said town of Stayner if the same had been incorporated as a town under the provisions of *The Municipal Act*, except where otherwise provided by this Act.

Limits of  
town.

2. The said town of Stayner shall comprise and consist of the present village of Stayner, and in addition thereto the following portions of the township of Nottawasaga, in the said county, that is to say, the north-west quarter of lot number twenty-three in the first concession, and all that portion of lot twenty-three in the second concession lying north of Margaret Street; all those portions of lots numbers twenty-four in the first concession, and twenty-five in the second concession, and twenty-three, twenty-four and twenty-five in the third concession of said township of Nottawasaga, not now included within the limits of the present village of Stayner.

## Wards.

3. The said town shall be divided into three wards, to be called respectively the North, East and West Wards, which said wards shall be respectively composed and bounded as follows:—

1. The North ward shall be composed of that portion of the town of Stayner as constituted by this Act lying north of  
Main

Main street, formerly Bowmore road, and west of a line forming the western boundary of Louisa street, produced in a straight line to the northern limits of the said town of Stayner.

2. The West ward shall be composed of that portion of the town of Stayner lying south of Main street and west of the western limit of the Northern Railway allowance.

3. The East ward shall consist of the remaining portion of the said town of Stayner, being all that portion thereof lying east of the western limit of the Northern Railway allowance, saving and excepting that portion included in the said north ward.

4. Except as otherwise provided by this Act, the provisions of the Revised Statutes of Ontario 1887, respecting municipal institutions, with regard to matters consequent upon the formation of new corporations, and the other provisions of the said statutes applicable to the erection of a village into a town under the said statutes, and to the town so erected, shall apply to the said town of Stayner in the same manner as they would have been applicable had the said village of Stayner been erected into a town under the provisions of the said statutes. Municipal laws to apply.

5. On the last Monday in December of the present year, 1888, it shall be lawful for George Lestock Darby, or the village clerk for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor, reeve and councillors, at Stewart's Hall, in the said town of Stayner, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said town of Stayner had been incorporated under the provisions of *The Municipal Act*; and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination; and such chairman shall have all the powers of a returning officer. And the polling for the said election, if necessary, shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place. Nomination for first election of mayor and councillors.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns. Deputy returning officers.

Clerk of township of Nottawasaga to furnish copy of assessment roll.

**7.** The clerk of the said township of Nottawasaga shall upon demand made upon him by the said returning officer, at once furnish such returning officer with a certified copy of so much of the revised assessment roll for the said township for the year of our Lord 1888 as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council

**8.** The council of the said town, to be elected in manner aforesaid, shall consist of a mayor, who shall be head thereof, a reeve and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the third Monday in January, in the year 1889; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario: and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Oaths of office and qualification.

**9.** The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification at first election.

**10.** At the first election of mayor, reeve and councillors for the said town of Stayner, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

Expenses of Act.

**11.** The expenses incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town of Stayner, or otherwise, shall be borne by the said town, and paid by it to any party entitled thereto.

By-laws continued.

**12.** All by-laws and municipal regulations which are in force in the village of Stayner shall continue and be in force as if they had been passed by the corporation of the town of Stayner, and shall extend to and have full effect within the limits of the town hereby incorporated.

Town to assume property and liabilities of village.

**13.** The property, assets, debts, liabilities and obligations of the village of Stayner shall belong to and be assumed and paid by the corporation of the town of Stayner.



14. All officers of the said village of Stayner shall continue to act and have power as such, and as officers of and within the town of Stayner until the council of the said town shall have organized as and in the manner provided by section 8 of this Act.

Officers of village continued.

15. The revised assessment roll of the township of Nottawasaga for the year 1888 shall be taken as the basis upon which the property taken from said township into the town of Stayner is to be valued for the purpose of settling the share of indebtedness by the said town to the said township under the railway bonus by-laws of the said township, or of any group of townships of which the said township of Nottawasaga is one.

Assessment roll of 1888 to be adopted as basis for settling share of railway debt payable to the township of Nottawasaga.

## CHAPTER 62.

An Act respecting a certain railway debenture debt of the Township of Thorah.

[Assented to 23rd March, 1888.]

**WHEREAS** the corporation of the then township of Thorah, under their by-law, passed on the twenty-ninth day of June, 1868, incurred a debenture debt of \$50,000, in aid of the Port Hope, Lindsay & Beaverton Railway, (now the Midland Railway Company of Canada,) maturing on the first day of July, 1888; and whereas one-half of the said debentures only have been redeemed, leaving a balance of \$25,000 unprovided for; and whereas at the time of the passing of the said by-law the village of Beaverton formed part of the said township of Thorah, and became liable for a portion of the said debenture debt; and whereas the said corporations adjusted their liability for the said debenture debt, by an agreement made on the second day of February, 1888, whereby it was mutually arranged that the township of Thorah should be liable for \$22,000, and the village of Beaverton for \$3,000 of the said debt; and whereas the said corporations, by their petition, have prayed that an Act may be passed, empowering them to pass by-laws to borrow the said sums of \$22,000 and \$3,000, respectively, on new debentures payable in twenty years at furthest from the first day of July 1888; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of paying off and retiring the said \$25,000 of debentures, mentioned in the preamble to this Act, the corporation of the township of Thorah may pass a by-law authorizing the

Power to pass by-laws for issue of debentures.



the issue of new debentures of the said corporation for the sum of \$22,000, and the corporation of the village of Beaverton may pass a by-law authorizing the issue of new debentures of the said corporation for the sum of \$3,000, which said debentures and all interest thereon shall be payable in twenty years at furthest from the first day of July, 1888, and the said by-laws shall in all respects conform to, and comply with the provisions of section 340 of *The Municipal Act* and with all other provisions of the said *Municipal Act*, and the general municipal law in force in this Province, except that it shall not be necessary to obtain the assent of the electors to the passing thereof; and provided further that the said new debentures and all moneys arising therefrom shall to the full extent thereof be applied only to paying off the said sum of \$25,000 and for no other purpose whatever.

## CHAPTER 63.

An Act to provide for the division of the Township of Walsingham.

[Assented to 23rd March, 1888.]

Preamble.

WHEREAS certain inhabitants and ratepayers of the township of Walsingham, in the county of Norfolk, have by their petition represented that it is expedient to separate the said township of Walsingham into two distinct municipalities, inasmuch as such division of the said township will greatly promote the welfare and convenience of its inhabitants; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township  
of North  
Walsingham.

1. Upon, from and after the last Monday, in December, 1888, the inhabitants of that portion of the said township of Walsingham, which lies north of the allowance for road between the sixth and seventh concessions of the said township of Walsingham, shall constitute a separate township or corporation under the name of the corporation of the township of North Walsingham, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

2.

2. Upon, from and after the last Monday, in December, 1888, the inhabitants of all that portion of the said township of Walsingham, which lies south of the allowance for road between the sixth and seventh concessions of the said township of Walsingham, shall constitute a separate township or corporation under the name of the corporation of the township of South Walsingham, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

Township  
of South  
Walsingham.

3. All and every the assets and debts of the present municipality of Walsingham shall be divided between the said respective municipalities of North Walsingham and South Walsingham, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior township from a senior township, and so soon as the said debts shall have been divided as aforesaid each of the said municipalities shall be bound to the repayment of the share of the said debts, which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining, however, liable as surety in respect of the share (if any) of the said debts which it is not its duty primarily to pay.

Division of  
assets.

4. The first nomination for the election of municipal councillors for the said townships shall take place on the said last Monday of December, in the year 1888, and the polling (if any) at such election shall take place on the first Monday in January next thereafter and the place for holding such nomination for the township of North Walsingham, shall be at the Masonic Hall, in the village of Langton, and the returning officer at such election shall be the township clerk of the present township of Walsingham, and the place for holding the nomination for the township of South Walsingham shall be at the Town Hall, in the village of Walsingham Centre, and the returning officer at such election shall be the clerk for the time being of the sixth division court of the county of Norfolk, and the township council of the present township of Walsingham shall divide the said township of North Walsingham and South Walsingham into polling sub-divisions and appoint deputy returning officers therefor, for the first election to be holden therein, as provided by the statutes in that behalf. The returning officers aforesaid shall cause one week's notice of the respective nominations to be posted up in at least three conspicuous places in said township, and shall preside thereat; and in case of their absence, the electors present shall choose from among themselves a chairman to officiate, who

First election  
of councillors.

who shall have all the powers of a returning officer, and the duties of said returning officers shall be those prescribed by law.

Provisions of  
municipal law  
to apply.

5. The provisions of the municipal law having reference to the case of a separation of a junior from a senior township shall apply to the townships hereby formed as if such townships had been a union of townships, except where it is otherwise herein specially provided, and, for the purpose of applying such provisions, the said township of North Walsingham shall be deemed to have been the senior township and the township of South Walsingham shall be deemed to have been the junior township, and the corporation of the township of North Walsingham shall be deemed to be a continuation of the corporation of the township of Walsingham.

Township  
clerk to fur-  
nish returning  
officer of south  
Walsingham  
with a copy  
of assessment  
roll.

6. The clerk of the said township of Walsingham shall furnish to the returning officer of the township of South Walsingham before the said election a copy of the assessment roll of the township of Walsingham for the year 1888, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the township of South Walsingham.

By-law to aid  
the South  
Norfolk Ry.  
Co., to be  
submitted to  
electors in  
part of town-  
ship constitut-  
ing South  
Walsingham.

7. Immediately after the final passage of this Act, it shall be the duty of the municipal council of the township of Walsingham to submit to the duly qualified electors of that portion of the said township hereafter to be known as South Walsingham, a by-law granting a bonus to the South Norfolk Railway Company, in accordance with the terms of any petition presented to the said municipal council by not less than fifty ratepayers and freeholders of that portion of the said township of Walsingham hereafter to be known as South Walsingham, and provided the said by-law receives the assent of the electors of South Walsingham, in accordance with the provisions of the Statute in that behalf, it shall be the duty of the municipal council of the township of Walsingham to finally pass the said by-law and of the reeve and other officers of the said township to comply with the requirements thereof, and to carry out all the provisions of the law necessary for the publication, promulgation and registration thereof, but the debenture debt thereby created shall not affect the township hereafter to be known as North Walsingham, but shall be binding only on the township of South Walsingham; and, for the purpose of submitting and carrying out the provisions of the said by-law and enabling the reeve and municipal council and clerk of the said township of Walsingham to comply with the requirements of the law relating to the same, this Act shall take effect and come into full force from and after the day upon which it receives the assent of His Honour the Lieutenant-Governor of Ontario.



8. All expenses of obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the township of South Walsingham, as well as all expenses connected with the giving effect to the provisions of the preceding section of this Act, shall be paid by the said township of South Walsingham to any party or parties entitled thereto. Expenses  
of Act.

## CHAPTER 64.

An Act to consolidate the debenture debt of the Town  
of Wingham.

[Assented to 23rd March, 1888.]

WHEREAS the corporation of the town of Wingham, in Preamble.  
the county of Huron, have by their petition represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways and for public improvements to the extent of \$36,500, for which amount debentures of the said town have, from time to time, been issued under the authority of various by-laws; and that the said corporation are also liable under agreement with the corporation of the township of Turnberry, in the said county of Huron, to pay a certain proportion of debentures issued by the said township of Turnberry before the incorporation of the said town of Wingham, and when the territory now composing the said town formed part of the said township, which said proportion of the said debentures so payable by the said town of Wingham amounts to \$2,632, making a total debenture indebtedness of \$39,132, a large proportion of which will fall due in the ensuing and two following years; and whereas the sinking fund required by the said several by-laws has not been levied in every year, and there is only the sum of \$1,400 which can be applied in reducing the said debentures, whereby the rates now required for such redemption would for the future be oppressive, for which reason and upon other grounds the said corporation have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the town of Wingham are hereby consolidated at the sum of \$37,732, and Debts consoli-  
dated at the  
sum of  
it shall be lawful for the said corporation of the town of \$37,732.  
Wingham to raise by way of loan upon the credit of the  
debentures



debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate or politic, either in this Province, or in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$37,732 of lawful money of Canada.

Authority to pass by-laws for issuing debentures.

2. It shall be lawful for the said corporation of the town of Wingham to pass a by-law, or from time to time to pass by-laws, authorizing a loan or loans not exceeding in all the sum of \$37,732, and further authorizing the issuing of debentures therefor in accordance with this Act, and the levying of a special rate in each year on the whole ratable property of the said municipality, to be called "consolidated loan rate," over and above and in addition to all other rates to be levied in each year, which said consolidated loan rate shall be duly levied in each year, and shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly mentioned debentures when the same shall fall due.

Assent of electors to by-laws not required.

Rev. Stat. c. 184.

3. It shall not be necessary to obtain the assent of the electors of the said town of Wingham to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Debentures may be issued to the amount of \$37,732.

4. It shall be lawful for the municipal council of the said corporation of the said town of Wingham, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation from time to time as occasion may require, under the corporate seal signed by the mayor and countersigned by the treasurer and clerk of the said town, for the time being, for such sums not exceeding in the whole the sum of \$37,732, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable yearly or half-yearly as the said council shall determine.

Payment of debentures and interest.

5. The said debentures shall be payable in not more than thirty years from the date thereof, as the said corporation may direct, and the principal sum secured thereby and the interest accruing thereon, may be payable either in this Province, or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient.

Application of debentures.

6. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the said town of Wingham, and in the payment of the proportion of the said township of Turnberry debentures, for which the said corporation is liable and

and in no other manner and for no other purpose whatever, and such debentures may be known as the "consolidated debt debentures."

7. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them, hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Outstanding debentures may be called in.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund, created under this Act, in the redemption of the said outstanding debentures of the said town, or in the redemption of the debentures issued under the authority of this Act, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, but not to any greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve.

Investment of sinking fund.

10. The debentures issued under this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest, and to form a sinking fund may be in the form of schedule B to this Act.

Form of debentures and of by-laws.

11. No irregularity in the form either of the said debentures to be issued under this Act, or of the by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Irregularities not to invalidate by-laws or debentures.

## SCHEDULE A.

## CONSOLIDATED DEBT DEBENTURES.

Province of Ontario, } Under, and by virtue of an Act  
 Town of Wingham, } intituled "*An Act to consolidate the*  
 County of Huron. } *debenture debt of the Town of Wing-*  
*ham,*" passed in the fifty-first year of Her Majesty's reign and  
 chaptered , the corporation of the town of Wingham  
 promise to pay the bearer at , the sum of  
 on the day of , one thousand hundred  
 and , and the coupons for interest thereon  
 hereto attached as the same shall severally become due.

Dated at Wingham, Ontario, this day of , A.D.  
 18 .

## SCHEDULE B.

By-law number to authorize the issue of  
 debentures under the authority of *An Act to consolidate the*  
*debenture debt of the Town of Wingham* passed in the fifty-  
 first year of Her Majesty's reign, chaptered , and the  
 levying of a special rate for the payment of the said debentures.

Whereas the said Act authorizes the issue of debentures for  
 the purpose therein mentioned, to be known as "consolidated  
 debt debentures," not exceeding the sum of \$37,732 in the  
 whole, as the corporation of the town of Wingham may direct;

And whereas, for the purposes mentioned in the said Act, it  
 is necessary and expedient to issue debentures to the extent of  
 \$ payable on the day of , with  
 interest thereon at the rate of per cent. per annum  
 payable yearly according to the coupons to the said  
 debentures attached;

And whereas the said Act requires for payment of the  
 debentures to be issued thereunder that the council shall levy  
 a special rate which shall be sufficient to pay the sums falling  
 due annually for interest on said debentures, and to provide a  
 sinking fund for the due payment of the principal thereof, and  
 it will require the sum of to be raised annually for the  
 said interest and sinking fund;

And whereas the amount of the whole ratable property  
 of the town of Wingham, according to the last revised assess-  
 ment roll of the said town, being for the year one thousand  
 hundred and was ;

Therefore

Therefore the municipal corporation of the town of Wingham hereby enacts as follows :

1. That debentures under the said Act and for the purpose therein mentioned, to be known as "consolidated debt debentures" to the extent of the sum of . . . , are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at a rate of . . . per cent. per annum payable . . . yearly on the . . . day of . . . in each year.

3. That for the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of . . . shall over and above and in addition to all other sums or rates be raised, levied and collected in each year, upon all ratable property in the said town of Wingham during the continuance of the debentures or any of them.

This by-law passed in open council this . . . day of . . . in the year of our Lord one thousand . . . hundred and . . .

## CHAPTER 65.

An Act respecting the floating Debt of the Town of Woodstock,

*[Assented to 23rd March, 1888.]*

WHEREAS the corporation of the town of Woodstock have Preamble.  
by their petition represented that they have incurred debts and liabilities to the amount of \$15,000 exclusive of the existing indebtedness of the said town, and that it is desirable for the said town to pay the said debt by issuing debentures for a sum sufficient to pay the said debt in ten equal yearly payments, commencing in the year 1894 and ending in the year 1903; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for the said corporation of the town of Woodstock to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time  
Issue of debentures to an amount not exceeding \$15,000 authorized.



time being, for such sums of not less than \$100 each and not exceeding in the whole the sum of \$15,000 as the said council of the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere.

Sale of  
debentures  
authorized.

2. The corporation of the said town may, for the purpose aforesaid, raise money by the sale of the said debentures from time to time as they may deem expedient.

Payment of  
debentures  
and interest.

3. The said debentures shall be payable in ten years from the first day of January, 1894. Coupons shall be attached to the said debentures for the payment of the interest thereon from the date of their issue payable yearly on the first day of January in each year, and it shall not be necessary to procure the assent of the ratepayers or electors to the said by-laws to be passed authorizing the issue of such debentures.

Application  
of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation towards the payment only of the now existing unprovided for debt of the said town of Woodstock, and in no other manner and for no other purpose, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Special rate  
for payment  
of debentures.

5. For payment of the principal money of the said debentures and the interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to pay the said interest and also to form a sinking fund which, compounded half yearly at four per cent., will be sufficient to pay such principal money. The said rate in respect of the said interest shall be levied commencing with the year next before the year in which the interest shall be payable and continued in each of the next succeeding years to and including the year in which the last payment of interest shall be payable, and the special rate in respect of the said sinking fund shall be commenced in the year 1894 and continued in each of the next succeeding years until the said principal shall be fully paid.

---

## CHAPTER 66.

## An Act to amend the Act incorporating the Brockville, Westport and Sault Ste. Marie Railway Company.

[Assented to 23rd March, 1888.]

WHEREAS it is expedient to amend the Act passed in the Preamble. forty-seventh year of Her Majesty's reign incorporating the Brockville, Westport, and Sault Ste. Marie Railway Company, and the Act passed in the fiftieth year of Her Majesty's reign amending the same;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Brockville, Westport and Sault Ste. Marie Railway Company is hereby authorized and empowered to build a branch line or lines from some point or points on its main line to a point at or near Lyndhurst in the township of Lansdowne, and also to a point at or near Jones' Falls or to a point at or near Morton, both in the township of South Crosby, or to both points, and all the powers granted to the said company as to the construction of its main line, and also all powers conferred upon municipalities or portions of municipalities by the Act hereby amended as to granting of bonuses and otherwise, shall be applicable to the said branch or branches, and to the municipalities or portions of municipalities through which they may pass.

Construction  
of branch  
lines.

2. Whereas the line of the said railway from the village of Lyn to the village of Westport, a distance of about forty miles, is so far completed as to permit the running of trains thereon, and substantial progress has been made in the work of construction between said village of Lyn and the town of Brockville, a further distance of about five miles; and whereas the said company has secured present running powers over the Grand Trunk Railway from said village of Lyn to said town of Brockville; and whereas certain municipalities or portions of municipalities interested in the completion of said line of railway from said town of Brockville to said village of Westport have, under the statutes in that behalf, granted aid by way of bonus or gift to the said the Brockville, Westport and Sault Ste. Marie Railway Company in respect of that portion of its railway lying between Brockville and Westport aforesaid; and whereas a majority of the councils of the said municipalities, having regard to the matters above recited, have, by resolutions in that behalf, requested the enactment of the provisions hereinafter in this section contained; Therefore, it is hereby enacted that the council of any municipality which, or any portion

Delivery of  
debentures to  
trustees.

portion of which, has heretofore voted aid to said railway company, may, if such council shall desire so to do, authorize by resolution in that behalf the trustees to deliver the whole or any portion of the debentures or money, or both, so voted by such municipality or portion of municipality to the railway company or its assigns; and in such case, upon demand of the railway company or its assigns, the trustees shall deliver such debentures, or money, or both, without requiring the certificate of the chief engineer provided in the said Act passed in the forty-seventh year of Her Majesty's reign incorporating the said company, and chaptered 63; and in case the said trustees have already handed over any of the said debentures in accordance with the resolution or resolutions of any such council, such action of the trustees in so handing over such debentures is hereby ratified and confirmed.

## CHAPTER 67.

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company.

*[Assented to 23rd March, 1888.]*

Preamble.

WHEREAS the corporation of the city of London has, by its petition, represented that a certain agreement was, on the 21st day of January, 1887, made between the Grand Trunk Railway Company, the Canada Southern Railway Company, and the London and Port Stanley Railway Company with respect to the working of a portion of the line of the said last mentioned company; and that, to remove doubts as to the validity of the said agreement, it is expedient to confirm the same by legislation, and have prayed for the passing of an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition so far as the said matters are within the legislative authority of the Legislature of the Province of Ontario;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement in  
schedule  
confirmed.

1. The said agreement, bearing date the 21st day of January, 1887, made between the Grand Trunk Railway Company, the Canada Southern Railway Company, and the London and Port Stanley Railway Company—a copy whereof is set forth in the schedule to this Act—is hereby confirmed and declared to be binding upon the several parties thereto according to the terms thereof.

SCHEDULE



## SCHEDULE.

This Agreement made this twenty-first day of January, in the year of our Lord 1887.

By and between The London and Port Stanley Railway Company (hereinafter called the Port Stanley Company), of the first part,  
The Grand Trunk Railway Company of Canada (hereinafter called the Grand Trunk), of the second part, and  
The Canada Southern Railway Company (hereinafter called the Canada Southern), of the third part.

Whereas, the Port Stanley Company own the railway between Port Stanley and London known as the London and Port Stanley Railway, which is now held under lease by the Grand Trunk ;

And whereas, the Canada Southern desire to connect their line at St. Thomas with the city of London for the purpose of their business ;

And whereas, in order to save the unnecessary expenditure of capital which would be required to build another line of railway between said points, it has been suggested that an arrangement be made for the use of the Port Stanley Company's line between St. Thomas and London by the Canada Southern, under proper terms and conditions, so as to make said section of the Port Stanley Company's line available for the purposes of the Grand Trunk and Canada Southern respectively ;

And whereas, the Grand Trunk now have a lease of the Port Stanley Company's line, which lease expires on the first day of September which will be in the year of our Lord 1892 :

Therefore, this agreement witnesseth :

That the parties hereto have, and they hereby do severally covenant and agree each with the other as follows, that is to say :—

The plan annexed hereto and marked "A" shall be, and the same is hereby made a part of this agreement.

That the Canada Southern may, by means of a proper switch to be approved by the Grand Trunk Engineer, connect their line at St. Thomas with the Port Stanley Company's line at the point shewn on the said plan, and marked "A."

That the Canada Southern may also, in like manner, connect the station grounds and terminal accommodation they may acquire or have acquired at the city of London at the point shewn on said plan marked "B."

That, on the terms and for the compensation hereinafter mentioned, the Canada Southern Company shall have the right to run their trains over the Port Stanley Company's line between said points "A" and "B" shewn on said plan, and to operate the same as part of their own railroad, upon the terms and subject to the limitations hereinafter expressed.

That



That the said switches and the trains passing to and from the premises of the Canada Southern Company, and while on the Port Stanley Company's line, shall be under the control of the Grand Trunk, and operated under the reasonable regulations of that company.

That, in the exercise of these rights, the Grand Trunk passenger trains shall have precedence over all other trains; the Canada Southern's passenger trains shall have precedence over all freight and mixed trains; Grand Trunk mixed trains shall have precedence over all mixed and freight trains; Canada Southern mixed trains shall have precedence over all freight trains; and Grand Trunk freight trains shall have precedence over all Canada Southern freight trains. But each party will use its best exertions to secure to all the trains and business of the other every facility and all despatch.

The Canada Southern Company shall not do any local business upon the Port Stanley line proper, whether such business be between points upon the said Port Stanley line or coming from London or beyond, or St. Thomas or beyond, to or from places on said Port Stanley line; but they are not to be excluded from carrying local traffic between the cities of St. Thomas and London.

Inasmuch as local passengers will occasionally take the trains of the Canada Southern Company, it is agreed in such case that such portion of the local fares as the parties shall mutually agree or failing agreement, as may be settled by arbitration, shall be paid over to the Grand Trunk Company.

For the purposes of this agreement the employees of the Grand Trunk Company shall be regarded as the employees of the Canada Southern Company, and the railway of the Port Stanley Company, between St. Thomas and London, as the railway of the Canada Southern Company. And each party hereto assumes for themselves all loss arising from damage or injury from any cause to their passengers, employees, or property, and all liabilities to third persons, arising from their acts or the acts of their employees, the employees of the Grand Trunk Company being, as defined in this clause, the employees of the Canada Southern Company.

That, should the Canada Southern desire it, the Grand Trunk will supply the trains of the said Canada Southern with stores, fuel, and water whilst upon the line of the Port Stanley Company at cost price plus ten per cent. to cover contingencies.

The expense of erecting and working the signals at the points of junction, as shewn on said plan, shall be defrayed and paid by the Canada Southern.

That the compensation to be paid by the Canada Southern Company for the use of the line of the Port Stanley Company (which shall be per train mile), and for all the privileges herein or which may hereafter be agreed upon, and the time and modes of payment of the same, shall be settled by agreement between the parties, and, failing agreement, be fixed by arbitration as hereinafter provided; but any compensation agreed upon

upon or fixed by agreement or arbitration shall, at the request of either party, be subject to re-adjustment in the same manner at the end of five years, and so in each five years so long as this agreement continues: provided, however, that the terms in the first place must be either agreed upon or fixed by arbitration within sixty days after the execution hereof.

The parties hereto agree that in the event of their disagreeing on any matter or thing above mentioned, or as to the construction of the meaning of this agreement, any and every such dispute shall, within thirty days of the date of such arising, be referred to Mr. Albert Fink, and any award made by him on any such matter shall be final and binding between the parties hereto, and shall be carried out by both parties.

That in the event of Mr. Albert Fink refusing or being unable to act as arbitrator, the parties hereto will choose some other person to act in that capacity, and should they be unable to agree on some other person to so act within thirty days after such refusal or inability on the part of Mr. Fink, they will unite in an application to the Chief Justice of the High Court of Justice of Ontario to name an arbitrator to act in the place of the said Mr. Albert Fink; and if either party to this agreement does not unite in said application to the Chief Justice of the High Court of Justice of Ontario within thirty days after notice from the other in writing of its desire to have such arbitrator appointed then such application may be made by the party desiring such arbitrator in its own name, and the award by any arbitrator appointed by the said Chief Justice shall be final and binding between the parties hereto, and shall be carried out by both parties.

Whereas the lease of the Port Stanley line held by the Grand Trunk expires in the year 1892, it is agreed that this contract shall remain in force until that time; and, if the said lease is renewed or a new lease taken by the Grand Trunk, and that they remain in possession of the Port Stanley line, then this agreement to continue so as to make the same an agreement for twenty years from the date hereof on the terms aforesaid.

In witness whereof the parties hereto have hereunto set their hands and seals on the day and year first above mentioned.

(Sgd.) THE LONDON AND PORT STANLEY RAILWAY CO.  
W. BOWMAN, Secretary. *Per* J. EGAN, President. [Seal.]

(Sgd.) THE GRAND TRUNK RAILWAY CO. OF CANADA.  
*Per* J. HICKSON, General Manager. [Seal.]

(Sgd.) THE CANADA SOUTHERN RAILWAY CO.  
NICOL KINGSMILL, Sec'y. *By* C. VANDERBILT, President. [Seal.]

## CHAPTER 68.

## An Act respecting the Irondale, Bancroft and Ottawa Railway Company.

*[Assented to 23rd March, 1888.]*

Preamble.

**W**HEREAS the Irondale, Bancroft and Ottawa Railway Company, (formerly the Toronto and Nipissing Eastern Extension Railway Company) have petitioned for certain amendments to their Act of incorporation, and the Acts amending the same, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Provisions as to municipal debentures.

1. Any debentures which any municipality may, under any Act or provision of law in that behalf, make or issue by way of, or as a grant of aid to the company, may be made payable at any time not exceeding thirty years, but the issue and making of every such debenture shall in all other respects conform and be subject to all Acts and provisions of law at present in force in that behalf.

Branch to Sault Ste. Marie.

2. The said company is hereby authorized to build a branch or extension from some point on its line of railway, as at present authorized, between the village of Bancroft and Irondale to Sault Ste. Marie, by such route as may be deemed most advisable and advantageous, and all the powers of the company shall apply to such branch or extension.

## CHAPTER 69.

## An Act to confirm a certain Agreement made between the London and South Eastern Railway Company and the Canada Southern Railway Company.

*[Assented to 23rd March, 1888.]*

Preamble.

**W**HEREAS the corporation of the city of London has, by its petition, represented that a certain agreement was, on the 1st day of June, 1887, made between the London and South Eastern Railway Company and the Canada Southern Railway Company for the working of part of the line of the said the London and South Eastern Railway Company ; and that, to remove doubts as to the validity of the said agreement,

it



it is expedient to confirm the same by legislation, and have prayed for the passing of an Act for that purpose ; and whereas it is expedient to grant the prayer of the said petition so far as the said matters are within the legislative authority of the Legislature of the Province of Ontario ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said agreement, bearing date the 1st day of June, 1887, between the London and South Eastern Railway Company and the Canada Southern Railway Company—a copy whereof is set forth in the schedule to this Act—is hereby confirmed and declared to be binding upon the several parties thereto according to the terms thereof.

Agreement in  
schedule  
confirmed.

2. The interest and title of the said, the London and South Eastern Railway Company in and to the lands and premises mentioned in the said agreement and its rights and franchises, in respect of so much of its line as shall have been completed within the time limited by section 57 of *The Act to incorporate the London and South Eastern Railway Company*, shall not be affected by the non-completion of the residue thereof within that time.

Title of L. and  
S. E. Ry. Co.  
not affected by  
non-comple-  
tion within  
time limited.

## SCHEDULE.

Memorandum of agreement made in duplicate this first day of June, in the year of our Lord one thousand eight hundred and eighty-seven, between the London and South Eastern Railway Company, (hereinafter called the "Eastern Company") of the first part, and the Canada Southern Railway Company (hereinafter called the "Southern Company") of the second part.

Whereas, the Southern Company have secured running powers over the line of the London & Port Stanley Railway Company ;

And whereas, by the terms of a certain agreement, bearing date March 26th, 1887, it was agreed between the said Eastern and Southern Companies that the said Eastern Company should acquire certain lands in the City of London and Province of Ontario for terminal facilities and free right of way from a point diverging from the line of the London and Port Stanley Railway Company, at Burwell Street, in the said city of London to the station or depot of the said Eastern Company, upon lot No. 5 on the south side of Bathurst street, in said city, and that said Eastern Company should execute and deliver a valid and binding agreement for the use and working of such land and premises and right of way by said Southern Company ;

And



And whereas, said lands have been acquired and right of way secured by said Eastern Company.

Now, therefore this indenture witnesseth that, in consideration of the covenants and agreements hereinafter reserved and contained on the part of the said Southern Company, their successors and assigns to be paid, observed and performed, the said Eastern Company hath covenanted and agreed to grant, and by these presents doth grant unto the said Southern Company, their successors and assigns the use and working of all and singular lots numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve on the south side of Bathurst street, lot number thirteen on the east side of Waterloo street, lots numbers fourteen, fifteen and sixteen on the north side of Horton Street, and that part of lot number seventeen on the north side of Horton street, described as follows, that is to say:—Commencing at the north-east angle of said lot seventeen, thence westerly along the rear of said lot seventeen to the north-west angle thereof; thence southerly along the westerly boundary thereof a distance of fifteen feet; thence north-easterly in a straight line to the said north-east angle and the place of beginning; all of said lots being according to the plan made for the London & Port Stanley Railway Company, and recorded in the registry office for the City of London as Plan No. 175; lots numbers two and three on the south side of Bathurst street aforesaid, and that part of lot number four on the south side of Bathurst street, having a frontage of one hundred and ten feet by a depth of one hundred and sixty-eight feet, and also that part of lot number five on the said south side of Bathurst street, having a frontage thereon of one hundred and ten feet by a depth of one hundred and thirty-eight feet, and the line of railway of said Eastern Company and all the privileges and rights thereto appertaining.

To have and to hold the said premises, the said line of railway of said Eastern Company and all powers and privileges thereto appertaining for and during a term equal to the unexpired term of the lease of the London & Port Stanley Railway Company to the Great Western Railway Company, and afterwards for so long as said Southern Company shall have running privileges over the said London and Port Stanley Railway not exceeding in the whole the period of twenty-one years from the twenty-sixth day of March, one thousand eight hundred and eighty-seven.

And said Southern Company covenants and agrees with the said Eastern Company to pay to the said Eastern Company therefor yearly and every year, during said term, the sum of three thousand dollars, payable on the following days and times, that is to say, in equal half-yearly payments of one thousand five hundred dollars each, on the first days of the months of May and November in each and every year of said term. The first half-yearly payment to be made on the first day of November, one thousand eight hundred and eighty-seven.

The said Southern Company further covenants with the said Eastern Company to pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, which shall hereafter be charged during the continuance of this agreement against said Eastern Company upon or on account of the property and appurtenances used and worked by the said Southern Company under this agreement, including the current year's taxes.

The said Southern Company shall not, during the said term make any alteration in the locations of the stations of said Eastern Company without the consent in writing of said Eastern Company and its mortgagees first had and obtained.

And the said Southern Company further covenants with the said Eastern Company that they will not assign or transfer this Indenture or their rights thereunder, or any of them, without the consent, in writing, of the said Eastern Company.

And the said Southern Company further covenants and agrees with the said Eastern Company to make such arrangements as to train service in the operation of said Port Stanley Railway between St. Thomas and London as will best accommodate the public in the business of the transportation of freight and passengers upon said Southern Company' railroad, including as part thereof the said Port Stanley Railroad.

And the said Southern Company covenants with the said Eastern Company that the said Southern Company will, during the said term, well and sufficiently repair, maintain, amend and keep the said premises with the appurtenances in good and substantial repair, and all fixtures and things thereto belonging, or which at any time during the continuance of this agreement, shall be erected or made when, where and so often as need shall be. And that the said Southern Company will at the expiration or other termination of this agreement, unless it shall purchase the property as provided, peaceably surrender and yield up to said Eastern Company, its successors or assigns the said Eastern Company's line of railway, its property, appurtenances and effects, with all buildings, erections and fixtures thereon placed by the said Eastern Company in good and substantial repair and condition.

And the said Southern Company further covenants with the said Eastern Company to pay insurance premiums to an amount not exceeding the sum of \$100 per annum upon a policy or policies of insurance for such amount as shall seem best to said Eastern Company upon the buildings of said Eastern Company upon the said lands.

And it is hereby agreed that the said Southern Company, upon the termination of this agreement, shall be at liberty to remove any rails, switches, ties, iron or other structures or materials placed by them on the said lands or streets over which running powers have been granted, leaving the said streets in good repair, or in the event of said Eastern Company, its successors or assigns desiring to purchase such rails, switches,

switches, ties, iron or other structures or material on the termination aforesaid, they shall have the option of so doing at the price to be agreed upon between the said Eastern Company and said Southern Company, and any disagreement as to price shall be settled by arbitration.

And it is also hereby further agreed that the said Southern Company shall, if all the covenants on its part shall have been kept, have the privilege, at any time within six years from the twenty-sixth day of March, 1887, of purchasing the said lands and the said buildings thereon at a sum not exceeding the actual cost thereof, which is hereby declared to be the sum of \$75,000. And in the event of the said Southern Company purchasing the said lands and buildings, as above provided, then the title thereto shall be vested in them or at the option of the said Southern Company in such trustees as they may appoint, and the said Eastern Company will, in consideration of such purchase, transfer and assign to the said Southern Company or to such trustees for them, all rights which the said Eastern Company has acquired or may hereafter acquire to traverse the streets of the city of London, and also such other rights and privileges in respect of said streets as have been granted or may be granted by the corporation of the city of London to the said Eastern Company.

And it is hereby agreed that in case any dispute shall arise relating to any matter herein contained and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to the dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties, and in case either of the parties shall neglect or fail to appoint an arbitrator within ten days after the request in writing of the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties, or, if both of said parties name an arbitrator, and the two persons appointed fail to agree on the third, then the President of the High Court of Justice of Ontario, shall appoint such third arbitrator, and the decision of such three arbitrators, or a majority of them, shall be conclusive on both parties.

The award shall be made in two months from the appointment of the first of such arbitrators.

And the Southern Company covenant with the Eastern Company that they will, if the Eastern Company shall so require, join in an application to the proper Legislature for the confirmation of this agreement, and do all things on their part to procure the enactment of such legislation as may be thought necessary or expedient for that purpose.

And it is hereby further agreed by and between the parties hereto that if the said annual sum of \$3,000, or any part thereof, shall be unpaid for thirty days after any of the days  
on



on which the same ought to have been paid, although no formal demand shall be made thereof, or in case of the breach or non-performance of any of the covenants and agreements herein contained on the part of the Southern Company for a period of thirty days, then and in either of such cases it shall be lawful for the Eastern Company to enter into and upon the said premises, or any part thereof, in the name of the whole to re-enter and the same to have again, repossess and enjoy, anything herein contained to the contrary notwithstanding.

In witness whereof the Eastern and Southern Companies have hereunto caused to be set their corporate seals, attested by the hands of their respective presidents and secretaries.

The London and South Eastern Railway Company,

By W. J. REID, [L.S.]  
President.

*Attest.* J. W. LITTLE,  
Secretary-Treasurer.

The Canada Southern Railway Company;

By C. F. COX, [L.S.]  
Vice-President.

*Attest.* NICOL KINGSMILL,  
Secretary.

## CHAPTER 70.

An Act to incorporate the Manitoulin and North Shore Railway Company.

*[Assented to 23rd March, 1888.]*

**W**HEREAS the construction of a line of railway to connect Preamble.  
the village of Little Current on the Manitoulin Island with a point on the north shore of Lake Huron, in the District of Algoma, on the line of the Canadian Pacific or Grand Trunk Railways at or near their intersection with the Spanish River, in the township of Nairn, in the district of Algoma, would be of general benefit and is necessary for the development of the resources of the Island of Manitoulin and the islands and country adjacent thereto; and whereas a petition has been presented praying for the incorporation of a company for the construction of the said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. Andrew Pearce Kilganan, Robert Adam Lyon, Martin L. McGrath, together with all such persons or corporations as shall in pursuance of this Act become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Manitoulin and North Shore Railway Company."

**Location of line.** 2. The said company shall have full power and authority to survey, lay out and construct, complete, and operate a double or single iron or steel railway, of the gauge of four feet eight and one-half inches in width, from the village of Little Current on the Manitoulin Island to a point on the north shore of Lake Huron, in the District of Algoma, on the line of the Canadian Pacific or Grand Trunk Railways, at or near their intersection with the Spanish River, in the township of Nairn in the district of Algoma, with full power to pass over any portions of the country between the points aforesaid, and to carry their railway through Crown lands, if any, lying between the said points.

**Power to purchase, etc., wharves, etc.** 3. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage, storage, and other charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey.

**Power to purchase and work vessels in connection with the railway.** 4. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time to ply on the lakes, rivers and canals of this Province, in connection with the said railway; and also to make

make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.

5. The company shall have the right, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and to maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the 1st day of April following.

Power to erect  
snow fences.

6. The capital stock of the company hereby incorporated shall be \$300,000, with power to increase the same in the manner provided in *The Railway Act of Ontario*, to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said moneys shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

Capital stock.

7. The said company may receive from any Government or from any persons or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to com-  
pany.

8. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law expressly passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption  
from taxation.

**Grants of land.** 9. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

**Provisional directors.**

10. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act.

**Powers of provisional directors.**

11. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the village of Little Current or at such other place as may best suit the interests of the said company.

**Rev. Stat. c. 170.**

**Rights of aliens.**

12. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors in the said company.



13. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions not binding on company until ten per cent. paid.

14. When and so soon as shares to the amount of \$30,000 in the capital stock of the said company shall have been subscribed, and ten per cent. thereof shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company), the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in the village of Little Current, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect not more than nine persons to be directors of the company, in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

First election of directors.

15. In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than \$15,000 of the said capital stock, and who have paid up all calls thereon.

How first meeting may be called if provisional directors neglect to call same.

16. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder, holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualifications of directors.

17. Thereafter the annual general meeting of the shareholders of the said company shall be held at such place in the district of Algoma, and on such days and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once in each week during the four weeks preceding the week in which such meeting is to be held, in one or more newspapers published at the village of Little Current.

Annual meetings.

18. Special general meetings of the shareholders of the said company may be held at such places in Ontario and at such times

Special meetings.



times and in such manner and for such purposes as may be provided by the by-laws of the said company, and after due notice shall be given as provided in the last preceding section.

Quorum of directors.

**19.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, a majority shall form a quorum for the transaction of business, and the said board of directors may employ and pay one of their number as managing director.

Certain payments may be made in stock or bonds.

**20.** The said provisional directors or the elected directors may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors, for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons, be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Power to make contracts for construction of railway.

Proviso

**21.** It shall be lawful for the directors to enter into any contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds, or in paid-up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders, present in person or by proxy, at a meeting specially convened for considering the same.

Issue of bonds

**22.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile; and provided, further, that in the event

Proviso.

Proviso.

at.

at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have Proviso. been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

**23.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. Company may become parties to notes.

**24.** Calls on the subscribed capital of the said company Calis. may be made by the directors for the time being, as they shall see fit; provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, and notice of each call shall be given as provided in section 17 of this Act.

**25.** The said company shall have power to agree for connections and make running arrangements with either the Canadian Pacific Railway Company, the Grand Trunk Railway Company, or the Ontario and Sault Ste. Marie Railway Company, or any of them, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds, in value, of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with either or both of said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, Agreements with other companies. tenders

tenders, plant, or rolling stock or other property of either or of both or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds, in value, of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies purchasing, leasing, or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Collection of  
back charges.

**26.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Form of conveyance.

**27.** Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicate thereof.

Power to purchase whole lots.

**28.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.



**29.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

**30.**—(1) When said gravel, sand, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Sidings to gravel pits.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

**31.** The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working, and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Telegraph lines.



Railway Act  
incorporated.

**32.** The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said *Railway Act* so incorporated with this Act.

Time for  
construction.

**33.** The railway shall be commenced within three years and completed within six years after the passing of this Act.

## SCHEDULE.

(Section 27.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*], in consideration of dollars paid to me (or us) by The Manitoulin and North Shore Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*] the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Manitoulin and North Shore Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*] and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)  
this        day of        , A.D. 18    .

Signed, sealed and delivered }  
in the presence of        }

[L. S.]

## CHAPTER 71.

## An Act to incorporate the Ottawa, Arnprior, and Renfrew Railway Company.

[Assented to 23rd March, 1888.]

**W**HEREAS the Honourable Francis Clemow, McLeod Preamble.  
Stewart, and Frank McDougall, of Ottawa, Claude McLachlin, James G. Cranston, and Robert G. Moles, of Arnprior, Alexander Barnet, and Aaron A. Wright, of Renfrew, John Gillies, of Braeside, in the township of McNab, Charles Mohr, of the township of Fitzroy, George E. Buckham, of the township of Tarbolton, Edward Armstrong, of the township of Huntley, and William H. Berry, of the township of March, have, by their petition, represented that it is desirable that a railway should be constructed from the city of Ottawa to the village of Arnprior and from thence by way of Braeside to the village of Renfrew, and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable Francis Clemow, McLeod Stewart, Frank McDougall, Claude McLachlin, James G. Cranston, Robert G. Moles, Alexander Barnet, Aaron A. Wright, John Gillies, Charles Mohr, George E. Buckham, Edward Armstrong, and William H. Berry, together with such other persons and corporations as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of "The Ottawa, Arnprior, and Renfrew Railway Company," hereinafter called the company. Incorporation.

2. The said company, their agents and servants, shall have full power and authority to survey, lay out, construct, complete, equip, and operate a single or double line of railway from a point in or near the city of Ottawa, in the county of Carleton, to a point in the village of Arnprior, in the county of Renfrew, and from thence, by way of Braeside, to the village of Renfrew, in the said county of Renfrew, with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through Crown lands, if any, lying between the said points. Location of line.

3. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

4.

Purchase of  
lands near  
navigable  
rivers, and  
erection of  
warehouses,  
etc.

4. The company shall have full power to purchase, lease, or acquire at any point where their railway, or any branch thereof, touches or approaches within two miles of any navigable waters sufficient lands for the uses of the company, their railway and vessels run or navigated in connection with said railway; and the company may erect warehouses, elevators, docks, wharves, stations, workshops, and such other buildings as may be necessary for the purposes of the company; and may sell and convey such land as may be found superfluous for any such purposes; and shall also have full power to connect any of the works herein mentioned with any point on the railway or its branches by means of any line or lines of railway for such purpose.

Power to purchase and  
work vessels  
in connection  
with the  
railway.

5. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time to ply on the lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.

Power to  
amalgamate  
with other  
companies.

6. The company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway of Canada, the Canada Atlantic Railway Company, the Kingston and Pembroke Railway Company, or any or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds of the shareholders, voting either in person or represented by proxy, at a special general meeting to be held for that purpose in accordance with this Act.

Agreements  
with other  
companies.

7. The company shall have power to enter into and conclude any agreement with the Grand Trunk Railway of Canada, the Canada Atlantic Railway Company, the Kingston and Pembroke Railway Company, or any or either of them, if lawfully authorized to enter into such agreement, for leasing to them, or any or either of them, the railway herein authorized or any part thereof, or for the working of the said railway, or for running powers over the same, or for leasing or acquiring running powers over the lines of the said railway companies, or any or either of them, or any part or parts thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or touching any services to be rendered by the one company to the other and the compensation therefor, provided that the agreements shall be approved of by two-thirds of the shareholders voting, either in person or by proxy, at any special general meeting called for that purpose; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.



8. For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred on telegraph and telephone companies by *The Act respecting Electric Telegraph Companies* are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company.

Telegraph and telephone lines.

Rev. Stat. c. 158.

9. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Railway Act incorporated.

10. The Honourable Francis Clemow, McLeod Stewart, Frank McDougall, Claude McLachlin, James G. Cranston, Robert G. Moles, Alexander Barnet, Aaron A. Wright, John Gillies, Charles Mohr, George Buckham, Edward Armstrong, and William H. Berry, with power to add to their number, are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors are elected, under the provisions of this Act, by the shareholders; and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books and to receive such subscriptions, and the said committee, or a majority of them, may, in their discretion, exclude any person from subscribing.

Provisional directors.

Rev. Stat. c. 170.

11. The capital stock of the company hereby incorporated shall be \$1,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

Capital stock.

Rev. Stat. c. 170.



First election  
of directors.

**12.** When and as soon as shares to the amount of \$50,000 of the capital stock of the company shall have been subscribed, and ten per cent. thereof shall have been paid into one of the chartered banks of the Dominion having an office in the Province of Ontario, (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a newspaper published in the city of Ottawa, and in a newspaper published in the village of Arnprior, and in the *Ontario Gazette*, of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy, and who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect not less than seven, nor more than nine, persons, to be directors of the company in manner and qualified as herein-after directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Power of di-  
rectors to ex-  
clude persons  
from subscrib-  
ing for stock.

**13.** The provisional or elected directors of the company may, in their discretion, exclude any one from subscribing for stock in the said company or rescind the subscription and return the deposit of any person if they are of the opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if, at any time, more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

Allotment of  
stock.

**14.** It shall be lawful for the directors in procuring subscriptions for stock, to allot such stock in such amounts and subject to the payment of such calls of such amount and at such times, and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment as, and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section 35 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents, and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Rev. Stat.  
c. 170.

**15.** The said provisional directors, or elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Power to make  
certain pay-  
ments in paid  
up stock.

**16.** The general annual meeting of the shareholders of the company shall be held in such place in the city of Ottawa, or at such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previous in the *Ontario Gazette*, and once a week in one newspaper published in the city of Ottawa, and in one newspaper published in the village of Arnprior during the four weeks preceding the week in which such meeting is to be held.

Annual meet-  
ings.

**17.** Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided by the last preceding section.

Special meet-  
ings.

**18.** Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock, upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting.

Votes.

**19.** In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Qualification  
of directors.

**20.** Aliens and companies incorporated abroad as well as British subjects and corporations, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Rights of  
Aliens.

**21.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders,

Quorum of  
directors.

five

five directors shall form a quorum for the transaction of business; and the said board of directors may employ and pay one of their number as managing director.

Grants of land  
to company.

**22.** Any municipality, through which the said railway may pass, is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to hold  
additional  
property.

**23.** The company shall have power to purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same or portions thereof, in their discretion, to sell or convey, and also to make use for the purpose of said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Aid to com-  
pany.

**24.** The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Right  
to use high-  
ways.

**25.** It shall and may be lawful for any municipality, through which said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of, or under the control of any joint stock company then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may, from time to time, deem expedient with any municipality, corporation, or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Exemption  
from taxes.

**26.** It shall and may further be lawful for the council of any municipality, through which any part of the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality,



pality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

**27.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan or by guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from Municipalities.

**28.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :— Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act*.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, as aforesaid.

4. In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.



Provisions for referring to arbitration, disputes as to bonus by-laws.

**29.** In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended then by the company or the county, as the arbitrators may order.

Deposit for expenses.

**30.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not exceeding three cents in the dollar valid.

**31.** Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

By-law, what to contain.

**32.** Such by-law shall in each case provide :—

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment

repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

**33.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. "Minor municipality," meaning of.

**34.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same, shall read the said by-law a third time and pass the same. If by-law carried council to pass same,

**35.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof, shall issue the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act. And issue debentures.

**36.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rate on portion of a municipality.

**37.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of municipal Acts as to by-laws.

**38.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Extension of time for commencement.

**39.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year. Extension of time for completion.

**40.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the Trustees of debentures.

Proviso.

the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then, in either case the company shall be at liberty to name such other trustee or trustees; any of the said trustees may be removed and a new trustee appointed in his stead at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

**41.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Ottawa, Arnprior and Renfrew Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

**42.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to acquire more land than is required for use of railway.

**43.** Whenever it shall be necessary, for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same

at



at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

44. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which such material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction or maintenance of railway.

Rev. Stat. c. 170.

45.—(1) When said gravel, stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to gravel pits, etc.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

46. The company shall have the right on and after the first day of November in each year, to enter into and upon any lands

Snow-fences.



lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway, and to erect and maintain snow-fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered ; provided always that any such snow-fences so erected shall be removed on, or before the first day of April following.

Negotiable  
instruments.

47. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100 ; and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Bonds.

48. The directors of the company, after the sanction of the shareholders shall have been first obtained, at any annual general meeting, or any special general meeting called for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid, and the company may by by-law, before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference thereto ; provided, however, that the whole amount of such issue of bonds shall not exceed \$15,000 per mile for each and every mile of railway by this Act authorized to be built ; and provided that in the event at any time of the interest upon the said

Proviso.

Proviso.

said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company, and at all subsequent general meetings, so long as such interest, or any part thereof, shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting and for all purposes as are attached to shareholders; provided further that the holder of any bond or bonds shall, at least three days before any such meeting, produce the bonds held by him to the secretary of the company for registration in the holder's name, and it shall be the duty of the secretary of the company to register the same on being so required by any holder thereof.

**49.** The company may, from time to time, for advances of money, pledge any stock, debentures or bonds, which under the powers of this Act can be issued for the construction of the railway or otherwise.

**50.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

**51.** Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

**52.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such

such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Commence-  
ment and  
completion of  
railway.

**53.** The railway shall be commenced within three years and completed within seven years after the passing of this Act.

---

SCHEDULE A.

(Section 51).

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Ottawa, Arnprior and Renfrew Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be,*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said the Ottawa, Arnprior and Renfrew Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we), wife (or wives) of the said do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals), this day of 18 .

Signed, sealed and delivered }  
in the presence of }

[L. S.]



## SCHEDULE B.

## (SECTION 41.)

*Chief Engineer's Certificate.*

OTTAWA, ARNPRIOR AND RENFREW RAILWAY  
COMPANY'S OFFICE.

No.                      Engineer's Department,                      A.D., 18

Certificate to be attached to cheques drawn on the Ottawa Arnprior and Renfrew Railway Company Municipal Trust Account, given under section                      chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer for the Ottawa, Arnprior and Renfrew Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      of the township of

(or under the agreement dated the                      day of

between the corporation of  
and the said company) to entitle the said company to receive from the said trust the sum of

(here set out the terms and conditions, if any, which have been fulfilled).

## CHAPTER 72.

An Act to amend the Act incorporating the Ottawa and Thousand Island Railway Company.

[Assented to 23rd March, 1888.]

WHEREAS it is expedient to amend the Act passed in the Preamble.  
fiftieth year of Her Majesty's reign, chaptered 79, to incorporate the Ottawa and Thousand Island Railway Company;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of the said Act is amended by striking out all of said section after the word "Leeds" in the sixth line there-<sup>50 V.c. 79, s. 3 amended.</sup> of, and by inserting in place thereof the words, "and the counties of Lanark, Frontenac, Lennox and Addington, or any of them, to a point on the line of the Brockville, Westport and Sault Ste. Marie Railway in any of said counties, or to the town of Brockville."



Authority to  
connect with  
town of  
Brockville.

2. If the line of the said railway shall connect with the line of the Brockville, Westport and Sault Ste. Marie Railway at a point more than twenty-five miles north-west of the town of Brockville, then the said Ottawa and Thousand Island Railway Company shall have the right to build a branch to the town of Brockville or to some point on said Brockville, Westport and Sault Ste. Marie Railway, over which it may acquire running powers into said town of Brockville and all the powers conferred upon the said Ottawa and Thousand Island Railway Company as to its main line and the municipalities along the line thereof shall apply to and be vested in the said Ottawa and Thousand Island Railway Company with respect to said branch line.

## CHAPTER 73.

### An Act to amend the Act incorporating the Parry Sound Colonization Railway Company.

*[Assented to 23rd March, 1888.]*

Preamble.

WHEREAS by an Act of the Legislature of Ontario, passed in the forty-eighth year of Her Majesty's reign, chaptered 78, the Parry Sound Colonization Railway Company was incorporated, and by section 33 of the said Act it was enacted that the railway proposed to be built by the said company should be commenced within three years and completed within five years; and whereas the said company have not as yet been enabled to commence the said road as provided by the said Act; and whereas the said company have prayed for further time to commence and complete the said road; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time of com-  
mencement  
and comple-  
tion extended.

1. The time for commencing the construction of the said line of railway is extended for the period of three years from the 30th day of March, A.D. 1888, and the time for the completion thereof for five years from the said date.

Arrangements  
with other  
railways  
authorized.

2. It shall be lawful for the said company to enter into arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, or the Brockville, Westport and Sault Ste. Marie Railway Company, in the same manner as, with respect to the Northern and Pacific Junction Railway Company, is provided in section 27 of the said Act, and the said line of railway may connect, as provided in the said Act, with the said Northern and Pacific Junction Railway at any point between the town of Gravenhurst, in the county of Simcoe, and the village of Callender.

CHAPTER

## CHAPTER 74.

## An Act to incorporate the Peterborough and Chemong Lake Railway Company.

[Assented to 23rd March, 1888.]

**W**HEREAS Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Macklin, A. White, Charles Percy and Hugh Paton, have by their petition represented that the said Joseph Hickson has acquired that portion of what was the line of the Cobourg, Peterborough and Marmora Railway and Mining Company's railway situated between Peterborough and Chemong Lake, in the county of Peterborough, and whereas, in order to the use of said line, the said Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Macklin, A. White, Charles Percy and Hugh Paton, have by their said petition prayed that they may be incorporated into a company to take over, hold and operate the said portion of said railway so acquired as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Macklin, A. White, Charles Percy and Hugh Paton, together with such other persons and corporations as shall in pursuance of this Act, become shareholders in the said company, shall be and they are hereby declared to be a body corporate and politic under the name of "The Peterborough and Chemong Lake Railway Company," hereinafter called the company.

**2.** The capital stock of the company shall be \$150,000 divided into 1500 shares of \$100 each.

**3.** The said Joseph Hickson, Robert Wright, Edmund Wragge, J. G. Macklin, A. White and Charles Percy, shall be the first or provisional directors of the company.

**4.** The provisional directors may open stock books for the subscription of stock, and upon the subscription of \$30,000 and payment of ten per cent. thereon the provisional directors shall call a meeting of the shareholders for the election of directors, giving at least four weeks' notice in one newspaper published in the town of Peterborough, and in the *Ontario Gazette*, of the time and place of meeting; the said meeting shall be held at the time and place fixed by the directors and mentioned in the said notice, and at the said meeting the shareholders shall elect five directors, who shall hold office until the next annual election.

**5.**

Rev. Stat. c.  
170 incor-  
porated.

5. All the provisions of *The Railway Act of Ontario* and the Acts amending the same shall apply to the company hereby incorporated.

Annual meet-  
ing.

6. The general annual meeting of the shareholders of the company shall be held at such place, and on such days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Peterborough during the four weeks preceding the week in which such meeting is to be held.

Special meet-  
ings.

7. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Company  
empowered to  
take over pro-  
perty acquired  
by J. Hickson.

8. The company may purchase and take over from the said Joseph Hickson the said part of what was the Cobourg, Peterborough and Marmora Railway and Mining Company's line of railway and property so acquired by him as aforesaid with all the rights, powers and franchises appertaining thereto and they may hold, have and exercise the same and all their corporate powers shall be exercised upon and in respect to the same, in the same manner and as fully as if the company incorporated by this Act had under this Act built and constructed the same to all intents and for all purposes.

Mode of  
payment.

9. The company may pay the said Joseph Hickson therefor, in such manner and by such means as he and the directors may agree upon, in cash, paid up shares in the capital stock of the company, or bonds thereof, or partly in one or more of said ways, or otherwise as the directors may deem best.

Power to  
build, pur-  
chase, etc.,  
vessels.

10. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair steam and other vessels from time to time to ply on the lakes, rivers and canals, of this Province, with which the company's line may connect, and also to make arrangements and agreements with steamboat and vessel proprietors by chartering or otherwise to ply on said lakes, rivers and canals in connection with the said railway.

Power to  
purchase  
wharves, etc.

11. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold for the use of the company, wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, ware-  
houses



houses and engine houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage, storage and other charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen, and enlarge such works; and the said wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease or convey.

12. For the purpose of connecting any mill, manufactory or manufactories, mine or mines, or any quarry or quarries, or any well or spring, with the railway of the company or with any branch thereof, and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such mill, manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct, and to work and use all sidings, switches or branch lines of railway, not to exceed in any one case six miles in length; provided always that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public notice shall have been given for six weeks, in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose under the compulsory powers vested in the company by this Act, or by any other Act on its behalf; nor unless the company shall, prior to the first publication of such notice, have deposited in the registry office of the county or part of a county in which the line, or any part thereof, is to be constructed, the maps and plans indicating the location of the line; nor until the company shall have submitted the same to, and such maps and plans shall have been approved by, the Lieutenant-Governor in Council after the expiration of the notice, and provided further that the order of the Lieutenant-Governor in Council, approving the said maps and plans shall limit the time, not exceeding two years from the date of such order, within which the company may construct such branch line. For any or every such purpose the company shall have and may exercise all the powers given it with respect to its main line by this Act and *The Railway Act of Ontario*, and any amendments thereto, and each and all the provisions of the said Acts, which are applicable to such main line, shall extend and apply to every such siding, switch or branch line of railway.

Power to  
make branch  
lines.

Rev. Stat. c.  
170.



Power to  
acquire land  
for gravel pits.

Rev. Stat. c.  
170.

**13.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the right of way, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for right of way, and all the provisions of *The Railway Act of Ontario*, and any Act amending the same, as varied and modified by this Act, as to the service of the said notice of arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land, from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits.

Rev. Stat. c.  
170.

**14.**—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and the Acts amending the same, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the line is opened for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, sand, or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Agreements  
with Midland  
Ry. Co., for  
running  
powers autho-  
rized.

**15.** The directors of the company may grant to the Midland Railway of Canada running powers over their line, or any part thereof, or they may make traffic arrangements with the said company, as they may think proper, and for such periods as they may deem best, or they may sell or lease to the said the Midland Railway of Canada, if lawfully empowered to enter into such agreement, the railway and works, prop-  
erty,

erty, rights and franchises of the company hereby incorporated, or they may agree for station or other accommodation, all such agreements, leases or purchases to be on such terms and conditions as the directors of said companies, parties thereto, may deem proper; provided, however, no such agreement shall be binding until it has been submitted to a special general meeting of the shareholders of the company incorporated by this Act, and approved by a majority in value of the said shareholders present in person or by proxy voting at said meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. Proviso.

16. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company and under the authority of a quorum of the directors shall be binding on the company and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the person signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Negotiable instruments.

17. The company may on and after the first day of November in each year enter into and upon any lands of Her Majesty or into and upon the lands of any person or corporation whatsoever lying along the route or line of the said railway, or any part thereof, and erect and maintain snow fences thereon, subject to the payment of such damages, if any, as are thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered, but every snow fence so erected shall be removed on or before the first day of April then next. Snow fences.

18. It shall be lawful for the directors of the company to enter into agreement with any company or companies (if lawfully authorized to enter into such an agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway Agreements for use of rolling stock, etc.

railway company or companies (if so lawfully authorized), for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Telegraph and  
telephone  
lines.

Rev. Stat. c.  
158.

19. For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred on telegraph and telephone companies by *The Act respecting Electric Telegraph Companies* are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company.

## CHAPTER 75.

An Act to further amend the Acts respecting the Port Arthur, Duluth, and Western Railway Company.

[Assented to 23rd March, 1888.]

Preamble.

WHEREAS the Port Arthur, Duluth and Western Railway Company has, by its petition, prayed for power to vary the route of its main line of railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

49 V. c. 79, s.  
1, repealed.

1. Section 1 of the Act passed in the 49th year of Her Majesty's reign, chaptered 79, is hereby repealed and the following substituted therefor:—

Location of  
line.

1. The said company shall have full power and authority to construct their line from a point in or near the town of Port Arthur by way of Whitefish Lake to a point at or near the west or south-west end of Gun Flint Lake.



## CHAPTER 76.

### An Act to amend the Acts respecting the St. Catharines, Merritton and Thorold Street Railway Company.

[Assented to 23rd March, 1888.]

**W**HEREAS the St. Catharines, Merritton and Thorold Street Railway Company have by their petition set forth that the said company is now, with the authority of the several municipalities through which the railway of the said company passes, using electricity as the motive power for its railway; and that for providing the means for such introduction and use of electricity it is expedient that the borrowing power of the company should be increased; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The directors of the said "The St. Catharines, Merritton and Thorold Street Railway Company" are hereby authorized from time to time to increase the capital stock of the said company to such amount or amounts as occasion may require, but not exceeding in the whole the sum of \$50,000, and to make and issue from time to time bonds of the company to the total extent of \$100,000, such bonds to be in sums of not less than \$100, and on such terms and credit as they may think proper, which said bonds shall be taken and considered to be the first preferential claim and charge upon the undertaking and real property of the company, including the rolling stock and equipments now existing and at any time hereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of the said bonds to be issued as hereinbefore provided shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; Provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy at said meeting, shall be first had and obtained at a special meeting to be called and held for either or both of the purposes aforesaid; Provided further that under the provisions of this section there shall not be made or issued any bond or bonds whatsoever unless and until the holders of seventy-five per cent. of the outstanding bonds heretofore made or issued under and by virtue of section 6 of the Act passed in the forty-fifth year of Her Majesty's reign and chaptered 63, shall have signified in writing their consent to such issue, and such consent or consents shall have been deposited with the

Issue of bonds authorized.

Provided

Provided



the Bank of Toronto, at St. Catharines, and no greater amount of bonds shall from time to time be issued under the provisions of this section, than shall be equal in amount to two and six-sevenths times the amount of the said outstanding bonds represented by any such consent or consents so deposited as aforesaid.

Use of electricity authorized.

2. The said company may construct, maintain, complete and operate works for the production of electricity for the motive power of said railway.

## CHAPTER 77.

### An Act respecting the Saugeen Valley Railway Company.

[Assented to 23rd March, 1888.]

Preamble.

WHEREAS the Saugeen Valley Railway Company has by its petition, prayed that the time for the completion of said railway be extended; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for completion of railway extended.

1. The time for the completion of the said railway is hereby extended for the period of five years from the time limited for the completion thereof by the Act passed in the forty-fifth year of the reign of Her Majesty, chaptered 65, and intituled *An Act to amend the Act incorporating the Saugeen Valley Railway Company*, and notwithstanding anything contained in said Act, or in any other Act relating to the said the Saugeen Valley Railway Company, the charter of said company shall not be deemed or taken to have been or to be forfeited, unless the said railway is not completed within the period of five years hereby enacted as the time for the completion of said railway.

## CHAPTER 78.

### An Act respecting the South Norfolk Railway Company.

[Assented to 23rd March, 1888.]

Preamble.

WHEREAS the South Norfolk Railway Company with others have by their petitions represented that certain townships on the line of the railway of the said company between the town of Simcoe and the village of Port Rowan would

would be greatly benefited by the construction of the said line of railway; and whereas in order to enable said townships, or such portions of them as may be specially interested in the construction of said line of railway, effectually to aid such construction, it is expedient to confer upon them the powers and privileges hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any township municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, under and subject to the provisions hereinafter contained: provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from municipalities.

2. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Provisions as to bonus by laws.

1. The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified voters;

2. In the case of a township municipality, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*;

3. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

3. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the township municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the township municipality, and shall also provide for the delivery

By-law, what to contain.

delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) For assessing and levying upon all ratable property lying within the township municipality or portion of the township municipality defined in said by-law, (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Deposit for expenses.

4. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried council to pass same,

5. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue debentures.

6. Within one month after the passing of such by-law the said council and the reeve, or other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act.

Levying rate on portion of municipality.

7. In case any such loan or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Act as to by-laws.

8. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent, as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

9. The councils of all such corporations as may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year

Extension of time for completion.

10. It shall and may be lawful for the council of any township municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the



the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

11. Any township municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid. Proviso.

12. Whenever any township municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, or in case of only one municipality granting a bonus, then by the head of such municipality, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities, or head of said municipality, shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures.

13. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The South Norfolk Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the Trusts of proceeds of debentures.



the form set out in schedule A, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Fees to  
trustees.

14. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

---

## SCHEDULE A.

(Section 13.)

### *Chief Engineer's Certificate.*

THE SOUTH NORFOLK RAILWAY COMPANY'S OFFICE.

|     |                               |         |
|-----|-------------------------------|---------|
| No. | <i>Engineer's Department.</i> | A.D. 18 |
|-----|-------------------------------|---------|

Certificate to be attached to cheques drawn on the South Norfolk Railway Company Municipal Trust Account, given under section            chapter            of the Acts of the Legislature of Ontario, passed in the            year of Her Majesty's reign.

I, A.B., Chief Engineer of the South Norfolk Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.            of the Township of            (or under the agreement dated the            day of            between the corporation of            and the said company) to entitle the said company to receive from the said trust the sum of  
[here set out the terms and conditions, if any, which have been fulfilled].

---

## CHAPTER 79.

## An Act to incorporate the Central Canada Exhibition Association.

*[Assented to 23rd March, 1888.]*

**W**HEREAS McLeod Stewart and others hereinafter named Preamble.  
have, by their petition, prayed that an association may be incorporated for the purpose of promoting industries, arts and sciences generally, and of establishing and holding agricultural, industrial, art, and other exhibitions at the city of Ottawa; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. McLeod Stewart, Charles Magee, Patrick Baskerville, Incorporation  
Robert Cummings, Francis McDougal, Charles Mohr, Charles H. Mackintosh, George O'Keefe, John C. Roger, William H. Lewis, Ira Morgan, Honore Robillard, M. P., Alonzo Wright, M. P., Olivier Durocher, Robert Hurdman, George William Monk, M. P. P., Hugh Brownlee, William C. Edwards, M. P., John Dawson, Erskine H. Bronson, M. P. P., Robert J. Devlin, John Heney, Albert Hagar, John R. Booth, William G. Perley, M. P., John Clark, Joseph R. Esmonde, William Owens, M. P. P., Hector McLean, John I. MacCracken, James Surch, Jacob Erratt, Charles Desjardins, Thomas Birkett, Hon. Francis Clemow, Alexander Robillard, M. P. P., Andrew W. Fleck, Freeman Daniels, Geo. S. May, Thos. Stewart, James Gordon, A. S. Woodburn, G. B. Pattee, W. E. Brown, John Bryson, M. P., W. J. Poupore, M. P. P., Wm. Conroy, S. LeBrosse, M. P., A. Evan-turel, M. P. P., E. A. Petrie, Peter White, M. P., James Rayside, M. P. P., P. Purcell, M. P., James MacLaren, William Rodden, Col. Allan Gilmour, Thos. Murray, M. P. P., J. McAndrew, M. P. P., J. Hilliard, M. P. P., Dr. Chamberlain, F. J. French, M. P. P., R. C. W. MacQuaig, James Findlay and others, the several representatives of the several societies, corporations and associations hereinafter named, together with all such other persons and representatives of other societies, corporations and associations as shall, under the authority of this Act, be associated with them in, and become members of, the corporation hereby created, shall be a body politic and corporate by the name of the "Central Canada Exhibition Association," and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued in all Courts in this Province; and the said corporation shall have their principal place of business at Ottawa, but may open such office or offices at such places as may be found necessary or convenient for the purposes of their business. 2.

Exhibitions  
authorized.

2. The said association is hereby authorized and empowered, either permanently or periodically, in structures, buildings, enclosures, and places located in the city of Ottawa or the townships of Nepean or Gloucester, suitable for exhibition purposes, and for the promotion of industries, arts, and sciences generally, to exhibit any and every variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral; to exhibit products, wares, goods, merchandise, machinery, mechanical inventions, and improvements of every nature, name and kind, and such as are generally exhibited at fairs, including the various processes of manufacture; to exhibit paintings and statuary of any and every nature and kind; to exhibit and develop the points and qualities of the several breeds of horses and other animals, by such competitive tests as may be humane and proper, and as may be deemed expedient, and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said association is hereby further authorized, but only for the carrying on and maintaining the business aforesaid and such other business as may be hereafter mentioned, to hold, own, and acquire, by lease, purchase, gift, or otherwise, property, real and personal, at such prices and on such terms and conditions as may be agreed upon, and may improve and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper; and the said association is hereby further authorized to cultivate such portions of their grounds as they may deem proper for the propagation of plants, trees, shrubs, or other things of a vegetable nature; and also to manufacture and raise articles and things required in the various exhibitions contemplated; and to sell, mortgage, lease, or otherwise dispose of any property at any time held by the said association; provided always, and it is enacted, that the said association shall at no time acquire or hold any lands or tenements, or interests therein, exceeding in the whole, at any one time, the annual value of \$10,000, nor otherwise than for actual use or occupation for the purposes of the said corporation.

Entrance fees,  
prizes, etc.

3. The said association is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting everything contemplated by this Act; to charge such entrance fees, and to award, give, and pay to exhibitors such prizes, medals, and honorary distinctions as they may deem proper, and to let or lease stalls, stands, rooms and places in any of their buildings or structures, or in any part of their grounds or property, upon such terms and conditions, and for such purposes, as the board of directors may deem best for the interests of the said association.

Members of  
association.

4. The mayor of the city of Ottawa, three members of the council of the corporation of the city of Ottawa, to be appointed by by-law of the said council at the time when the standing committees



committees thereof for the year are appointed (but a failure to appoint them shall not prevent the appointment being made afterwards), the president, vice-president and five members of the city of Ottawa electoral district association; the warden of the county of Carleton, and two representatives being members of the county council of the county of Carleton, to be named and appointed by the said council at the time of the appointment of the several standing committees thereof for the year; the warden of the united counties of Prescott and Russell, and two members of the council of the said united counties, to be named and appointed by the said council at the time of the appointment of the standing committees thereof for the year; the president, vice-president and three members of the electoral division of the county of Carleton agricultural society; the president, vice-president and three members of the electoral division of the county of Russell agricultural society; the president and vice-president of the Ottawa Board of Trade; two members each from all the electoral district agricultural societies in that part of Ontario east of Kingston, except Russell and Carleton aforesaid; and two members each from the agricultural societies in the Province of Quebec west of the Island of Montreal, viz: the chairman and one member; two representatives from each of the several corporations, associations, organizations, societies and public bodies, that is to say: the Ontario Society of Artists, the Art Association of Ottawa, the Ottawa Literary and Scientific Society, the Ontario Music Teachers' Association, the Geological Survey of Canada, the Central Experimental Farm, the Horticultural Society of Ottawa, the Stock Breeders' Association of Ontario, the Fruit Growers' Association of Ontario, the Ontario Veterinary Association, the Ontario College of Pharmacy, the Eastern Ontario Poultry and Pet Stock Association, the Dairymen's Association of Eastern Ontario, the Ontario Creameries Association, the Millers' Association, the Photographers' Association, the Entomological Society of Ontario, the Ottawa Field Naturalists' Club, the Ontario Manufacturers' Association, the Canadian Designers' Association, and the Ottawa School of Art and Science; such representatives to be named and appointed by the said several corporations, associations, organizations and societies at their annual meeting for the election of officers, such number of representatives of such other corporations, associations, organizations or societies not named above as may from time to time, upon application to be made by such corporations, associations, organizations or societies, be admitted to the said the Central Canada Exhibition Association by vote thereof at the annual meeting thereof, upon such terms and conditions, and under such regulations and restrictions as may be made and determined by the board of directors and sanctioned by the association at its annual meeting; and all such other persons as the board of directors may by by-law admit to membership, as hereinafter provided, shall constitute the said the Central Canada Exhibition Association, and the said



several persons and representatives named, or hereafter to be admitted under the provisions of this Act and the by-laws of the said last mentioned association, shall be members of the said the Central Canada Exhibition Association.

Provisional  
directors.

**5.** McLeod Stewart, Chas. Magee, A. S. Woodburn, Robert J. Devlin, Francis McDougal, Andrew W. Fleck, W. C. Edwards, M. P., E. H. Bronson, M. P. P., Thomas Birkett, John Dawson, W. E. Brown, Albert Hagar, Honore Robillard, M. P. P., Chas. Desjardins, Ira Morgan, William H. Lewis, Charles Mohr, George W. Monk, M.P.P., Hon. Francis Clemow, John McKellar, Jacob Erratt, Alonzo Wright, M. P., William Owens, M. P. P., James Findlay and Hector McLean shall be provisional directors of the said the Central Canada Exhibition Association, to organize said association, and shall hold office until the election of directors, as hereinafter provided.

Meeting for  
first election  
of directors.

**6.** Forthwith after the passing of this Act, the said provisional directors, or a majority of them, shall notify, in writing, the several corporations, organizations, persons, associations and societies, specially mentioned in section 4 of this Act, of the provisions of this Act, and shall at the same time request each of them to name and appoint representatives (where the same are provided for in this Act) to the said the Central Canada Exhibition Association pursuant to the provisions of this Act, which appointment shall be evidenced by the corporate seal of each of the said several societies, organizations, associations or corporations, or by a certificate, signed by the presiding officer and secretary, or clerk, of such organization, society, corporation or association, as the case may be, and such notice shall likewise contain a statement of the time and place of holding the first meeting of the members of the association for the election of directors and such other business as may be required to be done at such meeting, a copy of which notice shall also be published once in each week for two weeks before the time appointed for such meeting in one of the newspapers published in the city of Ottawa.

Certificates of  
appointments  
of members.

**7.** At the first meeting of the members of the association hereby incorporated for the election of directors, each member of the association being a representative shall produce to the said provisional directors a certificate under the seal of the corporation, association, society or organization which he represents, or under the hand of the presiding officer and secretary, of his due and proper appointment, and the said provisional directors, or a majority of them, shall, at the time of such election, cause a list of all duly qualified members of the association hereby incorporated to be made out and placed upon the table, and only the persons whose names shall appear upon such list shall be eligible as directors, or entitled to vote for directors and upon such other matters, questions and things as may be presented for the consideration of the meeting.

8. In the event of no appointment of representatives under the provisions of this Act having been made, from any cause, by any of the societies, corporations, organizations, or associations specially named in section 4 hereof, before the time fixed by the provisional directors for the holding of the meeting for the election of the directors of the said association hereby incorporated, then, and in every such case, the president, vice-president, chairman, or other presiding officer, and the secretary of the association, organization, corporation or society, so having failed to make such appointment, shall be the representatives of such association, organization, corporation or society, and shall be *ex officio* members of the corporation hereby created, until the appointment contemplated by this Act shall have been made, and shall be entitled to vote at all meetings of members of the said association.

Representation of societies which have not made any election.

9. The board of directors shall consist of not less than fifteen nor more than twenty-four members, as shall be determined at the meeting to be held as provided for in section 7 of this Act. The mayor of the city of Ottawa, and the three members of the municipal council thereof, appointed under the provisions of section 4 hereof, shall be members of the said board. The county of Carleton Agricultural Society shall be entitled to a representation on said board of five members, all of whom shall be residents of the county of Carleton, but none of whom shall be residents of the city of Ottawa, and shall be chosen by said society in such a manner as said society may decide, and not more than four of the directors shall be elected from the city of Ottawa Electoral District Association under section 4 of this Act, and the remainder of the directors shall be chosen from among the members of the said association. The election of directors (except as to the directors appointed by the council of the city of Ottawa and the county of Carleton Agricultural Society, as aforesaid,) and every question voted on at said meeting shall, if demanded by two members, be decided by ballot by a majority of votes of the members of the association hereby incorporated, present in person and voting at the meeting; the directors so chosen shall immediately elect one of their own number to be president, and two others of them to be vice-presidents, which president, vice-presidents and directors, shall continue in office for one year, and until others shall be chosen to fill their places as may be provided for by the by-laws of said association, and if any vacancy shall at any time happen by death, resignation or otherwise, in the office of president, vice-president or directors, the remaining directors shall supply such vacancy by the appointment of some member of the association for the remainder of the year; and the election of the directors shall take place annually, either on the anniversary of the day of the first election of directors, or such other day as may be fixed by by-law, as hereinafter provided and mentioned.

Number of directors, etc.

Powers of  
directors.

**10.** The directors shall have full power to make all by-laws, rules and regulations, not inconsistent with the provisions of this Act, for the management of the association hereby incorporated, the securing of the cash fund hereinafter mentioned and the collection thereof, as also hereinafter mentioned, the acquisition of exhibition grounds and buildings, by purchase, lease, agreement or otherwise, and the selling, leasing and mortgaging or otherwise disposing of the same, as occasion may require, the acquisition and management of all property, whether real or personal, which may be required for the purposes of, or in connection with, the exhibition or other business and operations of the said association, and the sale or other disposal thereof when no longer required for such purposes, the entering into any and all arrangements, agreements and contracts with any person, or corporation, society, or association, as the same may become necessary to carry out the objects of the said association, the admission of other persons as members and of other corporations, societies, associations, or organizations than those named in this Act, to be represented in the said association hereby incorporated, and the terms and conditions of such admission, the fees (if any) to be paid by members of the association, the holding of exhibitions, annual or periodical, fixing the time for the annual meeting and the calling of general, special and other meetings of the association, the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the association, the admission fees to be received from persons visiting their exhibitions, the entrance fees to be charged exhibitors, the general management of all exhibitions, and in general to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers incident to the association.

When association may commence operations.

**11.** Before the directors of said association shall undertake the holding of any exhibition, or commence the business and operations contemplated by this Act, they shall secure or have on hand a cash fund of not less than \$5,000.

Certain societies authorized to make agreements with and aid association.

**12.** Notwithstanding anything contained in *The Agriculture and Arts Act*, it shall and may be lawful for all or any of the several societies, corporations, organizations, and associations named in section 4 of this Act, and for any of the corporations, associations, organizations or societies formed, or hereafter to be formed, under the provisions of the said Act, and they, and all and every of them are hereby authorized and empowered, through their several and respective councils or boards of directors, or committees of management and officers, to enter into any arrangements and to make any agreements and contracts with the board of directors of the said association, hereby incorporated, for the holding of exhibitions, and taking part in the exhibitions to be holden by the said association, and otherwise promoting the objects contemplated



plated by this Act, and may aid the same with any funds and moneys belonging to any such association or society not otherwise specially appropriated by any statute of this Province.

**13.** The municipal council of any city, town, village, county or township, in this Province, may grant money or land in aid of the said association, or may lend or grant aid by way of bonus to the said association out of any moneys belonging to the municipality, and may effect such loan, or grant such aid, upon such terms and conditions as may be agreed upon between said association and the council of the municipality making such loan or granting such aid, and may recover the money so lent, and may appropriate the moneys so recovered to the purposes of such municipality; provided always that no municipal council shall in any one year grant any such money or bonus to any greater extent than \$5,000, nor shall any money or land be so granted or given under the provisions of *The Municipal Act*, as to by-laws for raising, on the credit of the municipality, money not required for its ordinary expenditure and not payable within the same municipal year; such provisions being those which require and relate to the assent of electors and otherwise.

Aid from municipalities.

Proviso.

Rev. Stat. c. 184.

**14.** The council of any municipality and the association hereby incorporated and the directors thereof are hereby respectively authorized to make and enter into any agreements or covenants relating to the holding of any exhibition, and granting and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purposes of the said association, and for the representation of such municipality in the said association by the appointment of members of the council thereof as representatives to such association; and all the representatives so appointed in pursuance of any such agreement shall become members of the said association and entitled to vote upon all matters and questions submitted or voted upon at all meetings of the association, and every such council may pass by-laws for all and every of the purposes aforesaid and in furtherance of the objects contemplated by this Act as occasion may require, but subject to the special provisions contained in section 13 of this Act.

Agreements with municipalities.

**15.** The corporation of the City of Ottawa may enter into any agreement with the County of Carleton Agricultural Society or the City of Ottawa Electoral District Association guaranteeing the repayment of any moneys contributed by either of the said societies to the said the Central Canada Exhibition Association.

Guarantee by city of Ottawa of money contributed by Carleton Agricultural Society or Ottawa E. D. Association.

**16.** Sections 5, 6, 15, 16, 17, 30, 31, 41, 72, 73 (1), 74, 75, 78, 81 (1), 82, 83, and 84 of the *Agriculture and Arts Act* are incorporated.

Certain sections of Rev. Stat. c. 39

are incorporated.



are hereby incorporated with, and are to be taken and deemed as part of this Act and shall apply to the said Association and to the exhibitions to be held by them as fully as such sections apply to the Agricultural and Arts Association and to exhibitions held by such association, except in so far as they may be inconsistent with the enactments hereof; and the expression "this Act," when used herein, shall be understood to include the sections of the said last mentioned Act so incorporated with this Act as aforesaid.

Power to expropriate lands for purposes of association.

**17.** It shall be lawful for the corporation of the city of Ottawa, at the request of the Central Canada Exhibition Association, to acquire, by expropriation, from time to time, such lands in the city of Ottawa or vicinity as may be required for the purposes of the said the Central Canada Exhibition Association; and such power of expropriation shall be exercised subject to the provisions of sections 483, 484, 485, and 486 of *The Municipal Act*, which sections are hereby declared applicable.

Time of exhibition restricted.

**18.** The said association shall not hold their annual exhibition during the week in which the Provincial Fair is held when the said last mentioned fair is held at or east of Kingston, provided that notice of the time and place of holding the Provincial Fair shall have been given to the said association before the first day of April in the year in which it is proposed to hold such fair at or east of Kingston.

License to use Lansdowne Park.

**19.** The corporation of the City of Ottawa may give to the said association a license to use Lansdowne Park and any addition which shall be made thereto, together with the buildings and improvements thereon, for the purposes of holding their exhibitions there for such period not exceeding twenty years, and on such terms and conditions as to the council thereof may seem meet.

Proof in actions for recovery of assessments.

**20.** In any action for the recovery of assessments or arrears on assessments upon any guarantee subscription or fund in aid of the association hereby incorporated, subscribed for under the authority of this Act, it shall be sufficient for the said association to allege that the defendant, being a subscriber to said fund, and for an amount to be named, is indebted to the association in respect of assessments made upon the amount of such subscription in the sum due, whereby an action hath accrued to the association by virtue of this Act; and at the trial it shall only be necessary to prove that the defendant was a subscriber to the said guarantee fund for such an amount, and that such assessment was made according to the by-laws and rules of the association. It shall be unnecessary to prove the appointment of the directors who made such assessment, or any other matters whatsoever, except what is before declared; and a copy of any by-law, rule, regulation, or minute, or of any entry

entry in any book of the association, certified to be a true copy or extract, under the hand of the president or vice-president, or the manager, or secretary of the association, and sealed with the corporate seal, shall be received in all Courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute, or entry without further proof thereof, and without proof of the official character of the officer signing the same, or of the corporate seal.

## CHAPTER 80.

### An Act incorporating the Port Arthur Water, Light and Power Company.

[Assented to 23rd March, 1888.]

**W**HEREAS James King, Thomas Marks, Daniel Francis Preamble.  
Burk, James Conmee, M.P.P., George B. Smith, M.P.P., Oliver Donais, Michael Dwyer, and James R. Roaf have by their petition, prayed for an Act to incorporate them and others under the style of "The Port Arthur Water, Light and Power Company," for the purpose of supplying the town of Port Arthur and the municipality of Shuniah, with water, light, and power; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said persons in the preamble mentioned, and such other persons as shall hereafter become stockholders of the said company, shall be and are constituted a body corporate and politic, by the name of "The Port Arthur Water, Light and Power Company," and by that name shall have perpetual succession with all other powers consistent with and necessary for the purposes hereinafter declared. Petitioners incorporated as a company.

2. The said James King, James Conmee, M.P.P., Thomas Marks, Daniel Francis Burk, and Michael Dwyer shall be the first directors of the said company and three of the directors shall constitute a quorum. First directors.

3. Subject to sections 6, 7 and 8 of this Act, the said company hereby incorporated shall have all the powers under this Act which are held and enjoyed by companies incorporated under *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, and under *The Act respecting companies for Steam and Heating, or for supplying Electricity for Light, Heat, or Power*, being chapter 165 of the Revised Statutes of Ontario, 1887. Powers of company. Rev. Stat. c. 164. Rev. Stat. c. 165.

Power to  
borrow.

4.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds of the shareholders then present in person, or by proxy, at a general meeting held for consideration of the by-law, the directors may, from time to time, borrow money upon the credit of the company, and issue bonds, debentures, and other securities of the company, and may sell the said bonds, debentures, and other securities at such prices as may be deemed expedient, or be necessary, but no such debenture shall be for a less sum than \$100.

(2) The directors may under a like sanction from time to time hypothecate, mortgage, or pledge the real or personal property of the company, to secure any sum or sums borrowed for the purposes thereof, provided that the said issue of bonds, debentures, or mortgages shall not exceed the sum of \$250,000 at any one time.

Councils em-  
powered to  
contract with  
company for  
water supply,  
and to  
specially  
assess prop-  
erty therefor.

5.—(1) The municipal councils of the corporations of the town of Port Arthur, and the municipality of Shuniah are hereby empowered upon the petition of the freeholders resident in any ward, or section of a ward, or in any street, square, alley, or lane, or part of a street, square, alley, or lane representing in value one half of the assessed property therein, to enter into contracts, for any term not exceeding thirty years, with the said company for the supplying of water to such ward or section of a ward, or to such street, square, alley or lane, or part of a street, square, alley or lane, and may also pass by-laws for raising such sums as may be necessary for renting, or erecting and renting hydrants to be used for the protection of such property and whatever may be thereon from fire, and for supplying of water for the use of the owners and their tenants for such other purposes as may be desired or agreed upon, by means of a special rate on the said real property according to the assessed value thereof, and may pay over to such company the moneys so collected or any portion thereof.

Exemption  
from special  
assessment.

(2) If only a section of a ward or only part of a street, square, alley or lane, is to be included in the assessment, the council may exclude from the assessment, property, the owners whereof object to being assessed, if such property is situated at a greater distance from the hydrant nearest thereto than is the property of every person signing the petition, and the council considers it unfair that such property should be assessed.

Allowance for  
use of  
hydrants by  
corporations.

(3) If hydrants erected under this section are used for the general purposes of the municipality, the corporation shall contribute for such use a fair amount out of the general funds in relief of the said special rate, or make some other equitable allowance to the persons liable to such rates in lieu of such contribution.

Contracts for  
electric light.

(4) The municipal councils of the corporations of the town of Port Arthur and the municipality of Shuniah are hereby empowered

empowered to enter into contracts for any term not exceeding thirty years with the said company for lighting by electricity within the said municipalities, or either of them as the said councils or either of them may by by-law provide.

6. The said company shall not be entitled to exercise the powers conferred by sections 3 and 5 of this Act, so far as the same relate to the construction of water works or lighting, until it has obtained the consent of the municipal corporation of the said town of Port Arthur or other municipality within which the powers hereby given are to be exercised by such company; such consent to be by by-law and to be on such terms and conditions as the by-law may prescribe.

Assent of municipalities required.

7. Notwithstanding anything in this Act contained all rights, powers and privileges which the municipal corporations herein named now have and enjoy, under the Acts mentioned in section 3 of this Act, are by this Act preserved as against the company by this Act incorporated, and this Act shall not abridge the existing corporate powers and privileges of the said municipal corporations respecting incorporated companies.

Rights of municipalities preserved.

8. The powers by this Act conferred shall not extend to or be exercised in the municipality of Neebing.

Act not to confer power in respect of Neebing.

## CHAPTER 81.

An Act to enable the Cathedral of the Holy Trinity, of London, to sell certain land.

[Assented to 23rd March, 1888.]

WHEREAS by an Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered 91, entitled "*An Act to incorporate the Cathedral of the Holy Trinity, of London*" the Right Reverend the Bishop of Huron for the time being, the Very Reverend the Dean of Huron for the time being and the Archdeacons and Canons of the said Diocese of Huron for the time being, were created a body politic and corporate, and in and by section 2 of the said Act were authorized and empowered to take by deed from the Church Society of the Diocese of Huron, that block of land in the city of London set out and described in the preamble of the said Act, and to hold the same for the said corporation with power to mortgage the same as security for money borrowed or to be borrowed for the purpose of erecting or completing Cathedral buildings; and whereas, the said corporation have taken by deed from the said Church Society the said block

Preamble.



block of land, and have erected on the said block of land a part of the said Cathedral buildings, which said part so erected is designated and known as the Chapter House of the Cathedral of the Holy Trinity, and have mortgaged the said block of land as security for money borrowed for the purpose of erecting and completing the said Chapter House; and whereas, since the erection of the said Chapter House, the West Ontario Pacific Railway Company have run their line of railway through the city of London and have expropriated for their right of way, under the powers conferred on them by statute, a portion of the said block of land; and whereas, by reason of such expropriation as aforesaid and the contiguity of the said line of railway to the said block of land, the said block of land has been rendered entirely unsuitable for the purpose contemplated by the said Act; and whereas, the said corporation are desirous that permission be given them to sell the said block of land together with the buildings erected thereon, except that part taken and expropriated by the West Ontario Pacific Railway Company, and to apply the proceeds from such sale, so far as may be necessary, to the reduction and discharge of the mortgages and encumbrances upon the said block of land, and have so prayed by their petition, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to  
sell certain  
lands.

1. The said the Cathedral of the Holy Trinity are hereby authorized and empowered to sell and convey to the purchaser or purchasers thereof all and every part and any part of the block of land and premises mentioned and described in the preamble to the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, chaptered 91, save and except that part heretofore expropriated by the West Ontario Pacific Railway Company, at such times, in such parcels or as a whole, and on such terms and for such price as they may deem fit and prudent, and to apply the proceeds of any such sale or sales so far as may be necessary, towards the reduction and discharge of the mortgages and encumbrances upon the said block of land and premises.

Purchaser not  
bound to see to  
application of  
proceeds of  
sale.

2. The purchaser or purchasers of the whole or any part of the said land and premises shall not be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt under the seal of the said the Cathedral of the Holy Trinity shall be a sufficient discharge therefor.

## CHAPTER 82.

An Act to declare the effect of certain Mortgages and Conveyances made by the Churchwardens of Christ Church, Hamilton.

*[Assented to 23rd March, 1888.]*

WHEREAS Cynthia Fuller, of the city of Hamilton, in the Preamble. county of Wentworth, widow, has by her petition set forth that she is the executrix and sole devisee of and under the last will and testament of the late Thomas Brock Fuller, that by a certain conveyance dated the 10th day of September, A.D. 1867 John Gamble Geddes, of the city of Hamilton, Clerk in Holy Orders, granted or assumed to grant and convey to David Wright, of the city of Hamilton, accountant and John Winer, of the same place, Esquire, churchwardens of Christ Church in the city of Hamilton, their successors and assigns all that piece or parcel of land and premises situate in the said city of Hamilton, being composed of parts of lots numbers 15 and 16, fronting on Hughson Street and between Barton and Lind streets in the said city of Hamilton, more particularly described as follows: Commencing at a post planted to mark the north-west angle of Lind (now Robert) and Hughson streets and at the south-east angle of lot number 15, thence along Hughson Street north eighteen degrees east one chain eighty-five and one third links more or less to the north-east angle of lot number 16; thence north seventy-two degrees west two chains and twelve links more or less to within twelve feet of a post planted at equal distances between James and Hughson streets; thence south eighteen degrees west one chain eighty-five and one third links, more or less parallel with Hughson and James streets to the north line of Lind (now Robert) street; thence along Lind (now Robert) street south seventy-two degrees east two chains and twelve links more or less to the place of beginning; together with a right of way in perpetuity in and over twelve feet of the rear or westerly ends of both the said lots, and being the remaining portion thereof running from Lind (now Robert) street northward parallel with James and Hughson streets to the southerly side line of lot 17, to hold the same unto the said David Wright and John Winer and their successors in office to the use of the said Wright and Winer and the incumbent of Christ Church aforesaid, and their successors in office, upon the trusts nevertheless, and to and for the several ends, intents, and purposes following that is to say: upon trust to suffer and permit the incumbent of the said Church for the time being to use, occupy, and enjoy the same and the buildings to be erected thereon as a parsonage appurtenant to Christ Church aforesaid during his incumbency and upon other trusts therein mentioned, in which conveyance Susan Geddes, the wife of the said John Gamble

Gamble Geddes, joined for the purpose of barring her dower in the said lands, and which conveyance is registered in the registry office for the county of Wentworth in book for the city of Hamilton as number 1580; that the said lands were at the time of such conveyance vacant; that for the purpose of erecting a parsonage thereon, to be used as a residence for the incumbent of said Church there was borrowed from the said late Thomas Brock Fuller on or about the 23rd day of July, A. D. 1874, the sum of \$4,000, and on or about the 28th day of June, A.D. 1875, the further sum of \$1,000, which said moneys were applied and expended in carrying out said purpose; that to secure the repayment of such advances and interest thereon the said John Gamble Geddes, as rector and incumbent of said Church, and James M. Lottridge and Henry Villiers Villiers, as churchwardens thereof, executed two several mortgages bearing date respectively the 23rd day of July, 1874, and the 28th day of June, 1875, comprising the said lands, which mortgages are registered as numbers 12175 and 13520 respectively in book for the city of Hamilton; that default was made in payment of the moneys secured by the said mortgages and on the 11th day of December 1879 at a special general vestry meeting of the said Church, the Rector and incumbent and the churchwardens of the Church, were authorized, empowered, and directed to execute a release of the equity of redemption in the said lands; that by deed dated the 11th day of December, 1879, the said John Gamble Geddes, as rector and incumbent, and John James Mason and Henry T. Ridley, as acting churchwardens of said Church released or assumed to release to the said Thomas Brock Fuller, his heirs and assigns their equity of redemption in the said lands, in which conveyance the said John Gamble Geddes with the end and intent of divesting himself of any estate or interest in the said lands granted, released and conveyed the same to the said Thomas Brock Fuller, and the said Susan Geddes, the wife of the said John Gamble Geddes, granted and released her dower therein; that the said Thomas Brock Fuller died on or about the 17th day of December, A.D. 1884; that by deed dated the 28th day of May, 1887, George Roach and George H. Bull, churchwardens of said Christ Church, with the intention of confirming the said release last mentioned, granted, released and conveyed the said lands to the petitioner the said Cynthia Fuller; that David Wright and John Winer, the original grantees as churchwardens as aforesaid of the said John Gamble Geddes are both dead; that the said late Thomas Brock Fuller for a long period during his lifetime was in possession of said lands, and the said Cynthia Fuller has ever since his death been in possession thereof; that doubts have arisen as to what estate was vested in the churchwardens of the said Church, and as to the power of the incumbent and churchwardens to mortgage the said lands and release the equity of redemption therein, and that the said Cynthia Fuller is desirous of having the said doubts removed and

and to have it declared that by the said conveyance and mortgages the estate originally held by the said John Gamble Geddes has become transmitted to her, and has so prayed by her petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It is hereby declared that all the estate and interest in the said lands vested in the said John Gamble Geddes on the 10th day of September, 1867, and the inchoate right to dower therein of his wife, Susan Geddes, have, by virtue of the several conveyances and mortgages mentioned in the preamble hereof and the said will of the said Thomas Brock Fuller, become vested in the said Cynthia Fuller, her heirs and assigns.

*Estate of J. G. Geddes vested in Cynthia Fuller.*

## CHAPTER 83.

An Act to amend the Methodist Church Act, 1884.

*[Assented to 23rd March, 1888.]*

WHEREAS the Methodist Church has by its petition prayed that sections 4 and 6 of *The Methodist Church Act, 1884*, may be amended as hereinafter set forth, and the issue of debentures be authorized and that the same may be made a charge upon certain real estate of the said Church in this Province; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Methodist Church Act, 1884*, is hereby amended by inserting the following words at the commencement thereof, “In any deed or conveyance to said trustees.” 44 V.c. 88, s. 4 amended.

2. Section 6 of the said Act is hereby amended by inserting the words “the Methodist Church” after the words “the said corporation” in the first line thereof. 44 V.c. 88, s. 6, amended.

3. The said corporation the Methodist Church or any of the boards or committees thereof, having charge of any of the funds of the said corporation, may issue debentures, under the seal of said Church and the hand or hands of such officer or officers thereof as may be thereto authorized, for any money borrowed under the authority of section 14 of the Act of the Parliament

*Authority to issue debentures.*



Parliament of Canada incorporating said Church, passed in the forty-seventh year of Her Majesty's reign, chaptered 106; and the payment of said debentures and the interest thereon may be secured by mortgage in favour of a trustee or trustees for the holders of such debentures upon any real estate in this Province under the control of such corporation, board or committee issuing such debentures.

## CHAPTER 84.

### An Act respecting the Methodist Church at Aurora.

[Assented to 23rd March, 1888.]

Preamble.

**W**HEREAS Horace D. Lundy, Edward Stevenson, George L. Stevenson, John McDonald, John E. McNally, James Andrews, George F. Smith, George W. Johnston, George Russel, Charles Doan, and William B. Richardson, all of the town of Aurora, and county of York; Allen Brown, Lot L. Hartman, and William Reynolds, all of the township of Whitechurch in the said county of York; and Thomas W. Cosford, of the township of King, in the said county of York, have by their petition set forth that they are trustees for the Methodist Church of that parcel of land in said town, containing one half an acre, more or less, being lot number 19 on Yonge street, according to registered plan number 9, granted to their predecessors on or about the fifth day of February, 1818, in trust for church purposes; that subsequently thereto, and until about the eleventh day of June, 1869, the said land was used as a burying ground; that since that date its use for such purpose has been discontinued, and a general cemetery was then acquired near the said town where interments have since been made; that they are desirous of obtaining authority to level or cause to be levelled off the said burying ground; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Notice requiring removal of remains.

1. The said trustees or their successors shall during the period of one month publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the said town of Aurora, to the friends or relatives of the dead interred in said burying-ground, notifying them to remove the remains of the dead of their own accord and at their own expense, in a decent and orderly manner and without further notice, within six months from the date of the publication of the first number of the

the *Gazette* containing such notice, in order to enable the trustees of the said burying grounds to level off the same in pursuance of the powers in the next section contained.

2. Upon and after the expiration of the said six months the said trustees are hereby authorized and empowered to level or cause to be levelled off the said burying ground, but should there be remains of the dead which have not been removed by friends or relatives, and which would be disturbed by the levelling of the said grounds, the said trustees shall have power without further notice, and they are hereby required to remove such remains of the dead and inter them in a decent and orderly manner, at the expense of the said trustees, in some other established cemetery or burying ground in plots corresponding in size, as nearly as may be, with those from which such remains may be removed.

Trustees empowered to level grounds.

## CHAPTER 85.

### An Act respecting the Nicholls Hospital Trust.

[Assented to 23rd March, 1888.]

WHEREAS the property formerly known as "Moira Hall," and now known as "The Nicholls Hospital," situate in the township of North Monaghan, in the county of Peterborough, given by Charlotte Jane Nicholls, of the town of Peterborough, in the county of Peterborough, widow, for the purpose of a hospital, is found to be unsuitable for hospital purposes, and the said Charlotte Jane Nicholls has offered to take back the said property and to convey to the Nicholls Hospital Trust in lieu thereof a more suitable parcel of land, situate in the said town of Peterborough, and hereinafter described, to be held for the purposes of a hospital, and has also offered to give to the Nicholls Hospital Trust the sum of \$17,500 for the purpose of erecting thereon buildings suitable for a hospital; and whereas it is expedient that the said exchange should be effected;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Nicholls Hospital Trust is hereby authorized to grant and convey to the said Charlotte Jane Nicholls, her heirs and assigns, the said property formerly known as "Moira Hall," and now known as "The Nicholls Hospital," heretofore conveyed by her to the said trust.

Conveyance by trustees to C. J. Nicholls authorized.

2. The conveyance of the said property shall be duly executed if attested by the corporate seal and the signature of the chairman and honorary secretary of said trust.

3.

Mode of execution of conveyance.

Conveyance to  
trust author-  
ized.

3. The said trust may accept from the said Charlotte Jane Nicholls, and may take and hold the land and premises hereinafter mentioned, that is to say, all and singular those certain parcels or tracts of land and premises situate, lying and being in the town of Peterborough, in the county of Peterborough and Province of Ontario, being composed of lots numbers eleven, twelve, thirteen, fourteen and fifteen according to registered plan number forty-five for the said town of Peterborough, for the purposes of said trust as set out in the Act of incorporation thereof, passed in the forty-ninth year of Her Majesty's reign, and chaptered 87 ; and the hospital to be erected on said lands, and founded and endowed by the said Charlotte Jane Nicholls, shall be known as "The Nicholls Hospital."

## CHAPTER 86.

An Act to enable the Orphans' Home of the city of Ottawa to borrow money.

[Assented to 23rd March, 1888.]

Preamble.

WHEREAS the Orphans' Home of the city of Ottawa, by their petition, have represented that for the purpose of paying off certain debts incurred by them in building on their site in the city of Ottawa a suitable home for their orphanage, and in the furnishing thereof, they are desirous of raising by way of loan, to be secured by way of mortgage on their lands or some part thereof, a sum not exceeding \$5,000, and have prayed for an Act granting them the necessary power so to do ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to  
mortgage  
lands.

1. The corporation of the Orphans' Home of the city of Ottawa are hereby authorized and empowered to borrow from any person or persons, body or bodies politic or corporate, or associated as a company or co-partnership, a sum or sums of money not exceeding in the whole the sum of \$5,000, and for the purpose of securing the repayment thereof, with such interest as may be agreed upon, to grant and convey by way of mortgage to the lender or lenders thereof the lands held by them with the buildings thereon, free from any uses and trusts for which the same are held by them.

Application of  
moneys.

2. Any moneys so borrowed shall be laid out and expended by the said the Orphans' Home of the city of Ottawa  
in

in the payment of debts incurred by them in building, finishing and furnishing their said home, and in repayment of any moneys borrowed for the purpose of paying said debts.

3. No person lending or paying money, under the provisions of this Act, to the said Orphans' Home, or the officers thereof, shall be held liable for the proper application thereof.

Lender not bound to see to application of money.

## CHAPTER 87.

### An Act to amend the Act incorporating the St. Patrick's Asylum, of Ottawa.

[Assented to 23rd March, 1888.]

WHEREAS the corporation of the St. Patrick's Asylum, of Ottawa, have, by their petition, represented that the institution was incorporated under the name of "The St. Patrick's Asylum, of Ottawa," by an Act of the Parliament of the Province of Canada, passed in the year 1866; and whereas the corporation have represented that certain amendments are required to enable the corporation to hold the meeting for the election of the council of management in the month of October in each and every year, and to change the number of members and the constitution of such council; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of the Act passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered 147, intituled *An Act to incorporate the St. Patrick's Asylum, of Ottawa*, is hereby repealed, and the following enacted in lieu thereof:

29 & 30 V.,  
c. 147, sec. 3  
repealed.

3. For the management and control of the affairs of the said corporation, there shall be a council of management, composed of nine persons, who shall be annually elected by the members of the said corporation, in the month of October in each and every year, the term of office to be one year from the first day of November in each year, and the parish priest for the time being of the Roman Catholic parish of St. Patrick, in the said city of Ottawa, shall be *ex officio* a member of the said council, and at the first meeting after such election the said council, composed as aforesaid of nine elected members and one *ex officio* member, shall choose out of their number a president, vice-president, treasurer and secretary, who shall hold their offices respectively during the period aforesaid.

Council of  
management.



## CHAPTER 88.

An Act to authorize the Trustees of the Toronto General Burying Grounds to sell certain lands.

*[Assented to 23rd March, 1888.]*

Preamble.

**W**HEREAS the trustees of the Toronto General Burying Grounds by their petition have represented that the lands hereinafter described, being adjacent to Mount Pleasant cemetery, were purchased by them in the expectation that the same would be required for burial purposes as an enlargement of the said Mount Pleasant cemetery; and whereas they have since acquired other lands for the purposes of the said trust, situated more conveniently to the northwestern part of the city of Toronto, whereby the interments in Mount Pleasant cemetery will be lessened and such contemplated enlargement thereof rendered unnecessary, in consequence whereof the said trustees desire to sell the said lands; and whereas no interments have been made in said lands, and the same have never been enclosed along with or made a portion of the said Mount Pleasant cemetery; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale of land authorized.

1. The said the trustees of the Toronto General Burying Grounds are hereby authorized and empowered, on such terms as they shall consider expedient, to sell and convey all and singular the following lands and premises, being composed of parts of lot number twenty, in the third concession from the Bay in the township of York, which said parcels or tracts of land are laid down on a plan number 277, filed in the registry office for the county of York as lots numbers one, nine, ten, thirteen, fourteen, seventeen, eighteen, twenty-one and twenty-two; and are further authorized and empowered from time to time to sell and dispose of, upon such terms as they may consider expedient, at any time before making interments therein, any other lands now owned by them for the purposes of the said trust, and to convey and assure the same to purchasers thereof; provided always that the proceeds arising from any and all such sale or sales are to be used and appropriated for the proper purposes of the said trust and for no other purposes whatever, and provided further that the purchasers of said lands shall be under no obligation to see to such application of the proceeds.

Proviso.

Assessment of lands for cost of erecting a bridge.

2. The lands other than lot one, particularly described in the next preceding section, shall immediately after the passing

passing of this Act, become liable to assessment for a special rate to raise a proportionate part of all costs incurred in the construction of a high level bridge at lot sixteen in the second concession from the Bay, lot twenty in the third concession from the Bay, and the original allowance for road between the said concessions in the said township of York, as a local improvement in accordance with the provisions of the report made by the township engineer under the provisions of *The Municipal Act* in that behalf, and the by-law to be passed shewing the lands to be immediately benefited by such improvement, shall set forth and describe the lands in this section mentioned; but the said lands shall not, nor shall the said trustees, be liable to pay any rates notwithstanding such assessment of the said lands, unless and until the same are sold by the trustees, and the said lands in the hands of any purchaser thereof, shall not be liable for any arrears of rates in respect of such assessment, but only for such yearly rates as shall accrue and become payable after the said lands have been sold and conveyed to such purchaser.

3. The corporation of the township of York shall, notwithstanding any provisions to the contrary contained in *The Municipal Act*, Corporation of township of York to carry out provisions of section 2.

(a) Rescind any resolution or by-law affecting the report of said engineer inconsistent with the last preceding section;

(b) And pass such by-laws as may be requisite to exempt the lands in the preceding section mentioned from assessment for such special rate, until such time as the said lands shall be sold by the said trustees.

4. Until such time as the said lands shall be sold by the said trustees the remaining lands mentioned in said report of said engineer, shall be liable to assessment for the whole sum to be raised each year by such special rate. Assessment of other lands.

## CHAPTER 89.

An Act relating to the Toronto General Hospital.

[Assented to 23rd March, 1888.]

**W**HEREAS the trustees of the Toronto General Hospital Preamble. are governed by the provisions of section 4 of an Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65, and of section 3 of an Act passed in the forty-second year of Her Majesty's reign, chaptered 90, in regard to the general medical staff, and have also by virtue of an Act passed in

in the forty-first year of Her Majesty's reign, chaptered 71, the powers relating to the appointment and removal of physicians which were vested in the Burnside Lying-in Hospital of Toronto by the Act passed in the thirty-first year of Her Majesty's reign, chaptered 62, and it is expedient to consolidate and amend the said provisions ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment of medical staff.

1. The trustees of the Toronto General Hospital are authorised to appoint, from the members of the medical profession practising in Toronto, a medical staff to hold their positions at the pleasure of the trustees, but to terminate on the 30th day of June in each year, any member of the staff to be eligible for re-appointment ; and the trustees may pass by-laws (subject to the approval of the Lieutenant-Governor in Council) for regulating the duties of the staff and matters of routine relating to medical attendance.

Divisions of medical staff.

2. The staff shall consist of two divisions to be called the consulting staff and the active staff.

Limitations as to consulting staff.

3. The trustees may appoint to the consulting staff any person who has served for at least six years on the active staff, and not more than six other persons.

Limitations as to active staff.

4. The members of the active staff may be appointed either generally as physicians or surgeons or assigned to any special department of medicine or surgery ; and except as hereinafter provided, those appointed generally shall not exceed twelve, and those specially assigned to the Burnside Lying-in Hospital shall not exceed five in number.

Appointment of extern staff and of pathologists.

5. The trustees may also appoint practitioners, whose number, except as hereinafter provided, shall not exceed ten, as an extern staff and assign to them duties in connection with the out patients of the hospital ; and also one or more pathologists, whose duty it shall be to make *post mortem* examinations of patients who die in the hospital whenever, in the opinion of the physician or surgeon who attended such patient, or of the medical superintendent, it shall be desirable so to do.

Service under sec. 5 to qualify for appointment under sec. 3.

6. The extern staff and the pathologists shall, for the purposes of section 3 of this Act, be deemed to be members of the active staff.

Power of trustees to fix and regulate number of staff.

7. Notwithstanding anything hereinbefore contained the trustees may from time to time pass by-laws to fix and regulate the numbers of the staff, either generally or in relation to any department of the work of the hospital, or of any other hospital in the city of Toronto which the trustees may undertake to manage and conduct, but no such by-law shall have force or effect until approved by the Lieutenant-Governor in Council.



8. And whereas by the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65, the hospital endowment of real estate was charged as security for the payment of debentures to the amount of \$50,000, which the trustees were thereby authorized to issue, and by the Act passed in the forty-second year of Her Majesty's reign, chaptered 90, doubts were removed as to the validity of a part of the said debentures and as to the application thereto of the said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65; and whereas since the passing of the last mentioned Act, the trustees of the hospital have acquired, by re-purchasing the same, several parcels of land which had formed part of the original endowment of the hospital but had been sold, which parcels are now enclosed with and form part of the hospital premises, and have also acquired other real estate which had not previously belonged to the hospital, that is to say, certain real estate of the Burnside Lying-in Hospital of Toronto, which was vested in the trustees by the Act passed in the forty-first year of Her Majesty's reign, chaptered 71, with full power to accept, hold, lease, sell, convey and otherwise manage the same, and certain other real estate devised to the trustees by Richard Brooking Butland, late of the city of Toronto, subject to encumbrances by way of mortgage and charged with the payment of certain annuities; and whereas it is expedient to avoid doubts with regard to the liability as security for the said debentures of the said lands and real estate, and any other lands or real estate which may be acquired by the trustees or may be otherwise held for the use of the hospital; therefore it is declared and enacted as follows:—

Declaration as to property charged as security for debentures issued under 39 V., c. 65.

The parcels of land re-purchased as aforesaid shall, for all purposes except the securing of such portions of the unpaid purchase money thereof as may now be charged upon any of them, be deemed to be parts of the hospital endowment and real estate mentioned in the said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65, and thereby charged with the said debentures; and the said real estate formerly of the Burnside Lying-in Hospital of Toronto, and the said real estate devised by the said Butland, shall not, nor shall any other lands or real estate which may be acquired by the trustees or otherwise held for the use of the hospital, be deemed or held to be any part of the endowment or real estate mentioned in or charged by the said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered 65, and the said Act passed in the forty-second year of Her Majesty's reign, chaptered 90, but notwithstanding anything in those Acts contained the trustees shall have full power to sell, mortgage or otherwise deal with the same.



## CHAPTER 90.

## An Act respecting Trinity Church, Toronto.

[Assented to 23rd March, 1888.]

## Preamble.

WHEREAS the Reverend Alexander Sanson, John Gillespie and Thomas R. Whiteside, the Rector and Church-Wardens of Trinity Church, in the city of Toronto, have by their petition represented that by a certain conveyance bearing date the fifth day of June, 1851, made between the trustees of the Toronto Hospital of the one part and the Reverend Richard Mitchele, then incumbent of Trinity Church, of the other part, after reciting that the said trustees had contracted to sell and convey the lands hereinafter described to the Reverend Richard Mitchele, as such incumbent, at or for the sum of six hundred and fifty pounds, and that it had been agreed the payment of the interest accruing upon the said sum should be secured by way of rent charge upon the said land to be reserved to the said trustees until the payment of the said principal sum, all and singular those certain pieces or parcels of land situate in the city of Toronto, being part of the Government or Park Reservation theretofore granted as an endowment of the Toronto Hospital, and known on the plan or map of the same prepared for the said trustees of the Toronto Hospital by Donald McDonald, Esquire, a Deputy Provincial Surveyor, as lots numbers three, four, five, six, seven and eight, on the south side of King Street, between Parliament and Mill (now Trinity) Street, lots numbers nine, ten, eleven and twelve on the west side of Mill (now Trinity) Street, and lots numbers one, two and thirteen on the east side of Parliament Street between King Street and Palace (now Front) Street, and better known and described as follows; that is to say:—Commencing on the westerly limit of Mill (now Trinity) Street, at the north-east angle of the said lot number eight; then south fifty-three degrees west along the southern limit of King Street to the eastern limit of Parliament Street and the north-west angle of said lot number three; then south sixteen degrees east four chains and twenty links more or less to within one chain and thirty-seven links of the northern limit of Palace (now Front) Street; then north seventy-four degrees east parallel to Palace (now Front) Street to the said westerly limit of Mill (now Trinity) Street; then north thirty-nine degrees west along the westerly limit of Mill (now Trinity) Street to the place of beginning, were conveyed to the Reverend Richard Mitchele, saving and reserving to the said trustees a perpetual annuity rent charge or yearly sum of thirty-nine pounds, chargeable upon the said lands, the same to be paid half-yearly, on the seventeenth days of April and  
October,

October in each and every year ; and that the said the Reverend Richard Mitchele having ceased to be incumbent of the said Church, the Reverend Alexander Sanson was, on or about the tenth day of July, 1852, appointed incumbent thereof in his stead ; and that doubts having arisen as to whether the whole of the said lands became vested in the said the Reverend Richard Mitchele and his successors, for the time being incumbents of the said Church, and it being apprehended that the ground on which the Church alone stood became vested in the said the Reverend Richard Mitchele, his heirs and successors, incumbents of the said Church, and that as to the residue of the said lands, it being doubted whether such deed conferred on the said the Reverend Richard Mitchele a greater or larger estate than a life estate, at a meeting of the vestry of the said Church, held on the twenty-third day of April, 1855, it was resolved that in order to obviate such doubts, and for the purpose of carrying into effect the original intention with respect to the sale and purchase of the said lands, the said the Reverend Richard Mitchele and the trustees of the Toronto Hospital should be requested to join in a conveyance for the purpose of conveying the said lands to trustees ; but the said the Reverend Richard Mitchele having declined to do so, a suit was instituted in the Court of Chancery for Upper Canada, wherein the said the Reverend Alexander Sanson, the Right Reverend John Strachan, William Gooderham and Enoch Turner were plaintiffs, and the said the Reverend Richard Mitchele was defendant, and by the judgment of the said Court it was amongst other things declared that under and by virtue of the said conveyance the fee simple and inheritance of the said lands passed to and became vested in the said the Reverend Richard Mitchele, as the then incumbent of Trinity Church, and that he having ceased to be incumbent of the said Church none of the said lands or any interest therein were vested in him, but all such estate and interest in the same passed to and were then vested in the said the Reverend Alexander Sanson, as the then present incumbent of the said Church, and that in fact the purchase of the said lands was made by and at the instance of the Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph and the other inhabitants of the immediate neighbourhood of the said lands, with the intention and for the purpose of causing to be erected thereon as well a church or building suitable for the performance of Divine service, according to the rites and ceremonies of the Church of England, together with a parsonage for the incumbent, as also a school-house for the education of children in the tenets of the said Church, and also for the purpose of creating a fund for the payment and discharge of the costs and charges to be incurred in the erection of such edifices and buildings, as for the support of the incumbent of the said Church for the time being, and generally for the provision of all things necessary for the proper maintenance and support of the said Church ; and at the time of such purchase

chase it was intended that the said lands should have been conveyed to the said Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph, in trust to raise by mortgage thereof to any parties willing to advance the same such sums of money as would at any time or times become necessary for the purpose of erecting, repairing, enlarging or rebuilding the said church, parsonage, school-house and other erections and building, if any, to be thenceforth erected and built upon the said lands, and of any debt to be incurred in respect of such erections or otherwise in relation thereto, and to the support of the said Church and premises as should from time to time be determined by the vestry of the said Church at any meetings to be properly called and held with reference to such matters; and that subsequent to the treaty for the sale and purchase of the said lands, and previous to the execution of the said deed, the Church known as Trinity Church, together with a school-house, was erected and built on part thereof, and subsequent to the execution of the said deed a parsonage was also erected thereon, in the erection of which buildings a debt was incurred, whereof the sum of one thousand pounds and upward remained due on the twenty-ninth day of December, 1858; and that by a certain other conveyance, bearing date the twenty-ninth day of December, 1858, made between the Reverend Alexander Sanson of the first part, the trustees of the Toronto Hospital of the second part, and the Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph of the third part, which conveyance recited the facts above set forth, and that the said the Reverend Alexander Sanson, as such incumbent, having been called upon to join therein for the purpose of conveying the said lands upon the trusts aforesaid had consented to do so, all the said lands were conveyed to the Right Reverend John Strachan, William Gooderham, Joshua George Beard, Enoch Turner and Henry Abraham Joseph as trustees, saving and reserving to the trustees of the Toronto Hospital the said perpetual annuity, rent charge or yearly sum of thirty-nine pounds, by the said conveyance of the fifth day of June, 1851, reserved to be charged and chargeable upon the said lands, and to be payable and paid half-yearly on the seventeenth days of April and October in each and every subsequent year; and it was agreed by and between the parties thereto that the said trustees, the survivors and survivor of them, and the heirs and assigns of such survivor, should, subject to the said annuity, yearly sum or rent charge, stand seised and possessed of the said lands upon trust out of the rents and profits of the said lands, or by sale or mortgage thereof, or of a competent part thereof, to raise such sums of money as should be necessary to pay the said debt of one thousand pounds, and such sums of money as might become necessary for repairing, enlarging or rebuilding the said church, parsonage and school-house, and for erecting and building any other buildings



buildings that might be required to be erected upon the said lands, and all sums of money that should be required for payment of the said sum of six hundred and fifty pounds, the purchase money of the said lands, and to pay and discharge the said annuity, rent charge or yearly sum, and all sums of money to become due in respect of premiums of insurance on the said buildings, and for the payment of the salary of the incumbent for the time being and of all other persons employed in and about the said church and school-house, and generally in the provision of all things necessary for the support and maintenance of the said church and school-house, or to the due performance of Divine service in the said church and the education of children, pupils in the said school, and to apply the residue (if any) for the use, benefit, increase and improvement of the said church and school-house and the maintenance and efficiency of the same, as the vestry of the said church should resolve or appoint; and that the said conveyance contained certain covenants with the said trustees of the Toronto Hospital relating to the said annuity or rent charge and certain provisos and conditions governing the remedies for recovering the same, as by reference to the said conveyance more fully appears; and that the said conveyance contained the proviso that when and so often as the said trustees should be reduced to three in number it should be lawful for the said vestry to nominate and appoint a sufficient number of persons being communicants to be trustees in the places of the trustees who ceased to be trustees, so that in number the said trustees should from time to time be completed, and that when and so often as any new trustee should be appointed as aforesaid, the said lands which were then vested in the trustees so ceasing to be trustees as aforesaid, should thereupon be assigned and transferred so that the same might be jointly with the other trustees vested in the continuing trustees of the said lands to the same uses and upon the same trusts as were in the said deed declared; and that doubts have been raised whether the Reverend Alexander Sanson had power to make the said conveyance of the twenty-ninth day of December, 1858; and that all the said trustees named in the said conveyance of the twenty-ninth day of December, 1858, are now dead, the said William Gooderham being the last survivor; and that the provisions of the said conveyance of the twenty-ninth of December, 1858, as to nominating and appointing persons to be in the stead and place of the said trustees who have died, have not been observed, and the said lands which were vested in the said trustees who have died, have never been conveyed, assigned or transferred to new trustees under the provisions of the said conveyance; and that it has become necessary to raise money upon the security of the said lands for the purpose of paying off the said purchase money and extending and improving the church buildings erected upon the said lands, but owing to the present uncertain nature of the title to the said lands and doubts regarding the said title it has become impossible



Rev. Stat.  
c. 237.

impossible to do so ; and that it is desirable that the said lands should be vested in the incumbent and churchwardens of the said Church as trustees with the rights and powers of trustees under *The Act respecting the Property of Religious Institutions* as extended and applied to the Church of England in this Province ; and that the said John Gillespie and Thomas R. Whiteside, the present churchwardens of the said Church, have been, by resolution of the vestry of the said Church, authorized to issue forthwith debentures to provide for payment of the said purchase money and for raising money to meet the engagements of the said vestry in the erection, improvement and completion of the said Church and church buildings upon the said lands, or to obtain a loan upon mortgage of the said lands for making such payment and raising money to meet such engagements ; and that certain leases of parts of the said lands have been granted by the said trustees, or by persons acting or assuming to act as trustees, under the said conveyance of the twenty-ninth of December, 1858 ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lands vested  
in Rector and  
Church-  
wardens.

1. The said lands are hereby vested in the said the Reverend Alexander Sanson, John Gillespie and Thomas R. Whiteside, rector and churchwardens of the said Church and their successors in perpetual succession, for the benefit of the congregation of Trinity Church for all the estate and title respectively of the persons and corporations by whom the same have been heretofore or are now held, subject to the payment to the trustees of the Toronto General Hospital of the annuity or annual rent charge reserved by the conveyance of the twenty-ninth of December, 1858, in the preamble of this Act set forth, and to all the covenants, provisos and conditions relating to the said rent charge and to the payment of the purchase money of the said lands in the said deed contained, and subject also to the leases set forth in the schedule hereto.

Power to sell,  
lease, etc.  
Rev. Stat.  
c. 237.

2. Subject to the provisions of *The Act respecting the Property of Religious Institutions*, as extended to the Church of England in this Province, the incumbent of the said Church and the churchwardens thereof for the time being, may from time to time sell, mortgage, lease or otherwise encumber the said lands or any part thereof.

Issue of  
debentures  
authorized.

3. It shall and may be lawful for the said churchwardens of the said Church, and their successors as such, with the consent of the vestry of the said Church duly given at a meeting called for that purpose, to execute and issue debentures in currency or sterling, not exceeding at any one time in the whole the sum of \$25,000, in such sums not less than \$100 each,

each, at such rate of interest and redeemable at such times and places as they may determine, and from time to time to renew the same or issue new debentures in their place or stead.

4. The said churchwardens shall and may from time to time, with the consent of the holders, call in any outstanding debentures and liabilities and discharge the same, with funds raised by the issue of debentures authorised to be issued under this Act, or may substitute therefor other debentures authorised as aforesaid under this Act, as may be agreed upon between the said churchwardens and the holders of such outstanding debentures and liabilities or other the creditors of the said vestry and Church.

Power to call in outstanding debentures and liabilities.

5. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to defray the costs of completing and improving the said Church and to the redemption and payment of outstanding debentures and other liabilities, and to carry out the instructions of the said vestry.

Application of proceeds of debentures.

6. The debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the said lands and other the property of the said vestry; and the holder of any of the said debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with the other holders thereof upon the said church property.

Debentures to be charges on lands.

7. The interest of the said debentures shall be the first charge upon the whole revenue of the said church and the vestry thereof, ordinary and extraordinary; and it shall be the duty of the churchwardens in each year out of the said revenues to pay the whole interest falling due in each year.

Interest of debentures to be a first charge on revenue of Church.

8. No person advancing money on or for the purchase of the debentures authorized by this Act to be issued shall be in any way bound to see to the application of the money so advanced.

Persons advancing money not bound to see to application thereof.

9. The said churchwardens and their successors as such shall be, and they are hereby constituted, a body politic and corporate by the name of "The Churchwardens of Trinity Church, Toronto," and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*, but neither the said churchwardens nor their successors shall be personally liable upon or in respect of the said debentures.

Churchwardens to be a body corporate.

Rev. Stat. c. 1.

10. The leases of various parts of the said property in the schedule hereto are hereby confirmed and the terms thereby granted with the rights of renewal or payment for buildings and improvements therein agreed upon, are hereby declared to be valid and binding upon the successors of the said Alexander Sanson as incumbents as aforesaid, and upon all other persons concerned or interested therein.

Leases set forth in schedule confirmed.

SCHEDULE.

## SCHEDULE.

*(Section 10.)*

1. Lease dated 21st December, 1875, Henry Abraham Joseph and others to Edward Bescoby, Lot No. 2, for twenty-one years from 1st April, 1874, with clauses respecting payment for improvements or renewal.

2. Lease dated 21st December, 1875, Henry Abraham Joseph and others to Frances Beale, Lot No. 3, for twenty-one years from 1st April, 1874, with clauses respecting payment for improvements or renewal.

3. Lease dated 28th June, 1876, Henry Abraham Joseph and others to Joseph R. Lee, Lot No. 4, on the south side of King Street, for twenty-seven years and six months from 1st May, 1876, with clauses respecting payment for improvements or renewal.

4. Lease dated 21st June, 1883, Alexander Sanson and others to the Copland Brewing Company of Toronto, Lot No. 8, for twenty-one years from 1st April, 1883, with covenant for renewal.

5. Lease dated 30th April, 1879, Henry Abraham Joseph and others to William Copland, Lot No. 9, for twenty-four years from 1st April, 1879, with covenant for renewal.

6. Lease dated 14th January, 1881, Henry Abraham Joseph and others to William Copland, Lot No. 10, for fourteen years from 1st April, 1881, with clauses respecting payment for improvements or renewal.

7. Lease dated 1st April, 1880, Henry Abraham Joseph and others to Ellen Robinson, the northerly one-third of Lot 11, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

8. Lease dated 1st April, 1880, Henry Abraham Joseph and others to William Farley and William Lamb, the central one-third of Lot 11, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

9. Lease dated 1st April, 1880, Henry Abraham Joseph and others to Margaret Stansall, the southerly one-third of Lot 11, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

10. Lease dated 1st April, 1880, Henry Abraham Joseph and others to George Gooderham, Lot No. 12, for twenty-one years from 1st November, 1879, with clauses respecting payment for improvements or renewal.

## CHAPTER 91.

## An Act to amend the Act to incorporate Trinity Medical School.

[Assented to 23rd March, 1888.]

**W**HEREAS by an Act of the Legislature of the Province of Ontario, passed in the fortieth year of Her Majesty's reign, and chaptered 65, certain persons therein named, together with such other persons as might thereafter become members of the said corporation, were constituted a body corporate and politic, under the name of "Trinity Medical School," with the rights, powers, and obligations in and by the said Act conferred and imposed on the said corporation; and whereas the said corporation has, by its petition, prayed for an Act changing the name of the said corporation, and conferring upon the said corporation power to purchase, take, and hold real and personal property to a larger amount than the amount limited by the said Act, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 2, 4, 6, 11, 12, and 13, or any other sections of the said Act in which the same occurs, are hereby amended by striking out the word "School" and inserting instead thereof the word "College." 40 V. c. 65, ss. 2, 4, 6, 11-13, amended.

2. Section 1 of the said Act is hereby amended by striking out the word "twenty," where the same occurs in the last line thereof, and inserting instead thereof the words "one hundred and twenty-five." 40 V. c. 65, s. 1, amended.

3. Section 4 of the said Act is hereby amended by striking out of the twenty-fourth line of the said section the words "not including mortgages." 40 V. c. 65, s. 4, amended.



## CHAPTER 92.

## An Act to amend the Act incorporating the William Hall, Peterborough, Protestant Poor Trust.

*[Assented to 23rd March, 1888.]*

## Preamble.

WHEREAS by an Act passed in the fortieth year of the reign of Her Majesty, and chaptered 59, the William Hall Peterborough Protestant Poor Trust became a body corporate and politic, and it is provided in and by the said Act that the said Trust shall consist of a board of eight trustees, all resident in the county of Peterborough, four of whom should be chosen from members or adherents of the Presbyterian Church in Canada, one from members or adherents of the United Church of England and Ireland, one from members or adherents of the Wesleyan Methodist Church in Canada in connection with the English Conference, one from members or adherents of the Regular Baptist denomination, and one from members or adherents of the Bible Christian Church in Canada; and whereas by an Act passed in the forty-third year of the reign of Her Majesty, and chaptered 83, it is provided that the said Trust shall consist of a board of eight trustees, all resident in the county of Peterborough, two of whom shall be members or adherents of St. Paul's, and two of St. Andrew's congregation, of the Presbyterian Church in Canada, in the town of Peterborough, one a member or adherent of the Church of England, in the town of Peterborough, one a member or adherent of the Wesleyan Methodist Church in Canada, in the town of Peterborough, one a member or adherent of the Regular Baptist denomination, in the town of Peterborough, and one a member or adherent of the Bible Christian Church in Canada, in the town of Peterborough, and in the event of any of the said trustees, or their successors, thereafter ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, he shall thereupon become disqualified, and his seat on the said board shall thereupon become vacant, and a certificate signed by the minister of such congregation or denomination setting forth that such trustee has ceased to be a member or adherent of such congregation or denomination shall be notice to the secretary of the said board of such disqualification, and thereupon the said secretary shall notify in writing the trustee whose disqualification is so certified to him of the receipt by him of the said certificate, and unless within ten days from the mailing of such notice to the said trustee, he disputes in writing the truth of the said certificate, the secretary of the board shall take the necessary steps for the election of a successor to such trustee, as provided by the said Act, and that in the event of any of the said trustees or any future trustee dying or resigning or  
thereafter

thereafter becoming incapable of acting, or disqualified by reason of his thereafter ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, or of his ceasing to reside in the said county of Peterborough, a successor to such trustee so dying or resigning or becoming incapable to act, or disqualified, shall be appointed in the manner following: Upon the happening thereafter of any of the events aforesaid it shall be the duty of the secretary of the said board forthwith to notify the minister of the congregation to which said trustee so dying, or resigning, or becoming incapable, or disqualified belonged, at the time of his appointment, of such event having happened, and such minister shall, as soon thereafter as convenient, call a meeting of his congregation, in the manner in which it is usual to call congregational meetings according to the ordinances of his Church, for the purpose of electing a successor to the trustee so dying, or resigning, or becoming incapable, or disqualified, and such new trustee shall be elected by the majority of the members of the said Church at the said meeting, and the said minister shall thereupon certify such election to the secretary of the said board whose duty it shall be to record such election in the minute book of the board, setting forth the date of such election, and the congregation represented by such new trustee; and whereas since the passing of the said Acts the Wesleyan Methodist Church in Canada and the Bible Christian Church in Canada have become united and are now one body having the name of "The Methodist Church in Canada;" and whereas at the time of the passing of the said Acts there was only one Methodist congregation in the town of Peterborough and there are now two Methodist congregations; and whereas, under the circumstances, it has become necessary and desirable to readjust the representation on the board of the said Trust, in so far as the same relates to the Methodist Church and the Bible Christian Church, and the said Trust have petitioned that an Act be passed to provide for the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything in the said Acts contained when and as soon as Thomas Willan Robinson as representing the Methodists, or William Yelland as representing the Bible Christians shall for any of the causes mentioned in section 4 of the Act passed in the forty-third year of Her Majesty's reign, chaptered 83, cease to be a member of the said board, no person shall be appointed to succeed him, but thereafter the Methodist Church shall be represented on the said board by the other, but when such other shall for any of the causes aforesaid cease to be a member of the said board, then his successor shall be appointed in manner provided by the said Act, but subject to the provisions of this Act.

Representation on board of Methodists and Bible Christians.

Methodist  
congregations  
to elect one  
trustee.

2. Instead of such successor being elected by the congregation to which the trustee so ceasing to be a member of said board belonged, he shall be elected by all the Methodist congregations in the said town of Peterborough at the time such trustee ceases to be a member of the said board, and it shall be the duty of the minister receiving the notice of vacancy, provided for by section 4 of the said Act, to convene a meeting of the said several congregations for the purpose of electing such successor by notifying his own congregation and the respective ministers of such other Methodist congregations, of the time and place of holding the said meeting.

## CHAPTER 93.

An Act to enable Emily Rebecca Winstanley to sell certain Lands.

*[Assented to 23rd March, 1888.]*

Preamble.

WHEREAS Emily Rebecca Winstanley, of the city of Toronto, in the county of York, married woman, has by her petition represented that Richard Brewer, late of the said city of Toronto, merchant, deceased, died at the said city, in or about the year 1854, after having first made and published his last will and testament in writing duly executed, and sufficient for all the purposes thereof, bearing date the 26th day of October, 1852, which said last will and testament is in the words and figures following, that is to say:—

“In the name of God, Amen.

“I, Richard Brewer, of the city of Toronto, and Province of Canada, merchant, do make and publish this my last will and testament in words and manner following, that is to say, I hereby revoke all former wills. I give and bequeath to my wife Charlotte, all the household furniture, books, pictures, china, linen, and other goods and chattels which I may be possessed of, for her use and benefit during the natural period of her life, and after her death to my daughters, Martha Louisa and Emily Rebecca, share and share alike; I also give and bequeath unto my wife Charlotte, all the freehold and leasehold property which I may be possessed of at the time of my death, to the intent and purpose only that she may take the rents and profits arising therefrom for her use and benefit and for the maintenance and education of my children till they become of age, or get married, after which my said wife shall have two hundred and fifty pounds per annum, and the freehold property I own on Jarvis street, during the period of her natural life; all above the two hundred and  
fifty



fifty pounds per annum and the rents and profits of the freehold property on Jarvis street, to be divided equally among my children so soon as they become of age or settled by marriage, provided the property is all unencumbered, but if there are any debts owing upon the said freehold and leasehold property, then my said wife and executors to have the whole rents and profits of said property till such debts are liquidated, and after such liquidation then my children to come in for the above-named portion either at marriage or when they may be of age, and after the death of my said wife I direct the said freehold and leasehold property to be for the benefit of my son, Richard Trevine, and my daughters, Martha Louisa and Emily Rebecca, their heirs and assigns, to be divided in manner following, that is to say: for my son Richard Trevine, the leasehold property I own from the city of Toronto, namely, lot No. three, in the St. Lawrence block, with the building upon it, with all the privileges of the said lease, and that he shall not have power to dispose of the same only by will and testament. The leasehold property I hold on the corner of Yonge and Adelaide streets in this city, with all the privileges of said leases, I direct for the benefit of my daughters, Martha Louisa and Emily Rebecca, their heirs and assigns, share and share alike, and that they shall not dispose of the same only by will and testament. The freehold property I hold at present on Jarvis street in this city, to be divided in two lots, from Jarvis street to Mutual street, the lot with the house to be given to Martha Louisa to hold for her benefit during her natural life, and to dispose of the same by will and testament only, the remaining lot, thirty-five feet wide, on Jarvis, running through to Mutual street, I bequeath to my daughter Emily Rebecca, and that she shall not dispose of the same only by will and testament, and if either my said daughters shall depart this life without leaving issue, then and in such case the survivor shall be possessed of the share of the deceased sister. I also direct that the executors appointed by me in this will, shall keep the said freehold and leasehold property insured against fire, in some one or more good offices in this Province, and should any portion of said property be burned down or be otherwise injured by fire, they shall get the same repaired or rebuilt forthwith; all said insurances to be paid out of the rents of said property. I also give and bequeath to my said wife the amount I own at present in the business carried on under the style and firm of Brewer, McPhail & Co., for her use and benefit during the period of her natural life, but that I direct that she shall not use any part of the principal, but only the interest of the same, except it be to pay for property of mine which I may owe debts upon at the time of my decease, and if it should require the amount I have in said business to clear the said freehold and leasehold property from debts and encumbrances, I direct that it shall be used for that purpose, and the amount





Toronto,) and being a part of lot number eleven on the west side of Jarvis street, according to a plan or survey of said park lot number six, made by John G. Howard, D.P.L.S., which said parcel or tract of land is butted and bounded as follows, that is to say: commencing at the southern boundary of that portion of said lot number eleven, conveyed to Kate Turner Howitt by deed bearing date the third day of March, one thousand eight hundred and eighty-two, and being at the distance of eight hundred and four feet and three inches, more or less, southerly from the intersection of Gerrard and Jarvis streets; thence in a south-easterly direction along the west side of Jarvis street, thirty-five feet, more or less, to the southerly limit of said lot number eleven; thence south seventy-four degrees west along the southerly limit of said lot number eleven to Mutual street; thence northerly parallel to Jarvis street, thirty-five feet, more or less, to the southerly limit of the said land conveyed to Kate Turner Howitt; thence easterly along the southern boundary of said land conveyed to Kate Turner Howitt, two hundred and thirty-five feet, more or less, to the place of beginning. That Charlotte Brewer, widow of the said Richard Brewer, deceased, died on or about the 10th day of August, A.D. 1881; that Martha Louisa Brewer, mentioned in the said will, daughter of the said Richard Brewer, died leaving no issue her surviving; that the petitioner, Emily Rebecca Winstanley, is Emily Rebecca, daughter of the said Richard Brewer, and the devisee of the above particularly described lands; that upon negotiating for the sale of the above mentioned lands and premises, it was objected that the said Emily Rebecca Winstanley is able to dispose of the said lands and premises only by her last will and testament; that the said Emily Rebecca Winstanley has issue, all of whom are of the full age of twenty-one years, and consent to this Act; that the said above mentioned lands and premises are vacant, and no income is or can be derived therefrom whatever, and the taxes thereon have been allowed to fall into arrears; that the said lands and premises are unencumbered. The said Emily Rebecca Winstanley is desirous of obtaining a title in fee simple to the said lands and has prayed for an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition to the extent and subject to the conditions hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said last will and testament of Richard Brewer, late of the city of Toronto, merchant, deceased, bearing date the 26th day of October, 1852, is hereby declared to be effectual and shall be deemed to confer upon the said Emily Rebecca Winstanley the right to sell and convey by deed in fee simple absolutely, the said lands and all the estate, right, title and interest of the said testator therein, either by public auction

Lands vested  
in E. R.  
Winstanley.

or

or private sale, and on such terms of credit or otherwise as she may deem proper, notwithstanding any restriction upon alienation contained in said will; and it is hereby declared that the said Emily Rebecca Winstanley, after deducting from the purchase money any sums which she has paid for taxes, rates and assessments upon or in respect of the said lands, over and above any rents and revenue received by her therefrom, and after deducting also her expenses of and incidental to this Act, shall pay the balance of the purchase money into Court to the joint credit of herself and the Accountant of the Supreme Court of Judicature for Ontario, or of herself and the Official Guardian; or shall invest the same from time to time on first mortgage security on real estate in the Province of Ontario, the mortgage securities to be taken in the joint names of the said Emily Rebecca Winstanley and the said Accountant or Official Guardian, and all interest of said moneys shall be received by or paid to the said Emily Rebecca Winstanley for and during the term of her natural life; and power is hereby given to the said Emily Rebecca Winstanley to dispose of the said purchase moneys by her will and testament in the same manner and to the same extent as she is empowered to do by said will with respect to said lands; and in the event of no such disposition by will being made by the said Emily Rebecca Winstanley, then the said purchase money shall, on her death, go to the parties who would have been entitled to the said lands if no sale had taken place.

Liens on land  
not affected.

2. Nothing in this Act shall be construed to affect any liens (if any) now existing on or against the said lands.

---

# SECOND SESSION, SIXTH LEGISLATURE.

## TABLE OF CONTENTS.

| CAP.   | PAGE. |
|--|-------|
| 1. An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-eight, and for other purposes therein mentioned..... | 3     |
| 2. An Act respecting the Revised Statutes of Ontario, 1887.....  | 8     |
| 3. An Act respecting Arbitration with the Province of Quebec....   | 9     |
| 4. An Act to establish Manhood Suffrage for the Legislative Assembly .....   | 10    |
| 5. An Act respecting the Executive Administration of Laws of this Province.....  | 14    |
| 6. An Act to amend the Act respecting the Office of Sheriff .....  | 15    |
| 7. An Act to give certain powers to the Commissioners of the Queen Victoria Niagara Falls Park .....   | 18    |
| 8. An Act respecting the Department of Agriculture and other Industries .....  | 19    |
| 9. An Act respecting Ancillary Probates and Letters of Administration .....  | 20    |
| 10. An Act to amend the Division Courts Act .....  | 21    |
| 11. An Act to amend the law as to Executions .....   | 21    |
| 12. An Act to amend the law respecting the Salaries and Expenses of Police Magistrates .....   | 22    |
| 13. An Act respecting Muskoka and Parry Sound.....   | 23    |
| 14. An Act respecting Manitoulin .....   | 30    |
| 15. An Act to amend the law respecting Mortgages .....   | 36    |



| CAP.   | PAGE. |
|--|-------|
| 16. An Act to amend the Partition Act .....  | 38    |
| 17. An Act to amend the Registry Act .....   | 38    |
| 18. An Act respecting Mortgages or Sales of Chattels in Nipissing..  | 41    |
| 19. An Act respecting Conditional Sales of Chattels.....   | 41    |
| 20. An Act to amend the Act respecting the Solemnization of<br>Marriages .....   | 43    |
| 21. An Act to amend the Married Woman's Real Estate Act .....  | 44    |
| 22. An Act to amend the Act to secure to Wives and Children the<br>Benefit of Life Insurance.....  | 46    |
| 23. An Act respecting the Maintenance of Wives deserted by their<br>Husbands .....   | 47    |
| 24. An Act to provide for the incorporation of Cheese and Butter<br>Manufacturing Associations.....  | 51    |
| 25. An Act to amend the Act respecting Insurance Companies .....   | 54    |
| 26. An Act to amend the Act respecting Benevolent, Provident and<br>other Societies .....  | 55    |
| 27. An Act to amend the Act respecting Cemetery Companies .....  | 55    |
| 28. The Municipal Amendment Act, 1888 .....  | 56    |
| 29. The Assessment Amendment Act, 1888 .....   | 70    |
| 30. The Liquor License Act, 1888.....  | 73    |
| 31. An Act respecting Creameries .....   | 77    |
| 32. An Act to provide against frauds in the supplying of Milk to<br>Cheese or Butter Manufactories .....   | 78    |
| 33. An Act to regulate the closing of Shops and the Hours of Labour<br>therein for Children and Young Persons .....                                  | 80    |
| 34. An Act for the prevention of Accidents by fire in Hotels and<br>other Public Buildings.....  | 87    |
| 35. An Act to amend the Ditches and Watercourses Act.....  | 89    |
| 36. An Act to amend the Act for the protection of Game and Fur-<br>bearing Animals .....   | 90    |
| 37. An Act to enable Trustees of High Schools or Collegiate Insti-<br>tutes to expropriate land for High School purposes.....                        | 92    |
| 38. An Act to amend the Act respecting the Income and Property<br>of the University of Toronto, University College and Upper<br>Canada College ..... | 95    |
| 39. An Act to amend the Industrial Schools Act.....  | 96    |
| 40. An Act for the Protection and Reformation of Neglected<br>Children.....  | 96    |

| CAP.   | PAGE. |
|--|-------|
| 41. An Act to authorize the Town of Almonte to issue certain Debentures.....   | 98    |
| 42. An Act to legalize certain By-laws and Debentures of the Towns of Berlin and Waterloo.....   | 104   |
| 43. An Act respecting a certain Railway Debenture Debt of the Township of Bexley.....  | 109   |
| 44. An Act respecting the Town of Bowmanville .....  | 110   |
| 45. An Act respecting By-law No. 402 of the City of Brantford....  | 110   |
| 46. An Act respecting the Debt of the Village of Brussels .....  | 115   |
| 47. An Act respecting the Incorporation of the Village of East Toronto .....   | 119   |
| 48. An Act to provide for the Union of the Townships of Front of Yonge and Front of Escott .....   | 120   |
| 49. An Act respecting a certain Agreement made between the Town of Lindsay, the Midland Railway of Canada and the Grand Trunk Railway Company of Canada..... | 122   |
| 50. An Act to authorize the Corporation of the City of London to sell certain Lands known as the Exhibition Grounds and for other purposes .....             | 126   |
| 51. An Act to consolidate certain debts of the Village of London West .....  | 129   |
| 52. An Act to incorporate the Village of Markdale .....  | 130   |
| 53. An Act to extend the limits of the City of Ottawa and to re-arrange the Wards thereof and for other purposes .....                                       | 133   |
| 54. An Act respecting the Town of Parkdale .....   | 138   |
| 55. An Act to enable the Corporation of the County of Perth to sell certain Lands.....   | 140   |
| 56. An Act to authorize the Corporation of the Town of Peterborough to issue Debentures .....  | 141   |
| 57. An Act respecting the Town of Port Arthur and the Municipalities of Shuniah and Neebing .....  | 142   |
| 58. An Act to consolidate the Debt of the Town of Ridgetown ....   | 155   |
| 59. An Act defining a portion of the Boundary between the Town of Sandwich and the Township of Sandwich West .....   | 160   |
| 60. An Act to legalize a certain By-law of the Town of Sault Ste. Marie .....  | 161   |
| 61. An Act to incorporate the Town of Stayner.....   | 162   |
| 62. An Act respecting a certain railway debenture debt of the Township of Thorah.....  | 165   |

| CAP.   | PAGE. |
|--|-------|
| 63. An Act to provide for the division of the Township of Walsingham .....   | 166   |
| 64. An Act to consolidate the debenture debt of the Town of Wingham .....  | 169   |
| 65. An Act respecting the floating Debt of the Town of Woodstock.  | 173   |
| 66. An Act to amend the Act incorporating the Brockville, Westport and Sault Ste. Marie Railway Company .....  | 175   |
| 67. An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company ..... | 176   |
| 68. An Act respecting the Irondale, Bancroft and Ottawa Railway Company .....  | 180   |
| 69. An Act to confirm a certain Agreement made between the London and South Eastern Railway Company and the Canada Southern Railway Company .....  | 180   |
| 70. An Act to incorporate the Manitoulin and North Shore Railway Company .....   | 185   |
| 71. An Act to incorporate the Ottawa, Arnprior, and Renfrew Railway Company .....  | 195   |
| 72. An Act to amend the Act incorporating the Ottawa and Thousand Island Railway Company .....   | 209   |
| 73. An Act to amend the Act incorporating the Parry Sound Colonization Railway Company .....   | 210   |
| 74. An Act to incorporate the Peterborough and Chemong Lake Railway Company .....  | 211   |
| 75. An Act to further amend the Acts respecting the Port Arthur, Duluth, and Western Railway Company .....   | 216   |
| 76. An Act to amend the Acts respecting the St. Catharines, Merriton and Thorold Street Railway Company .....  | 217   |
| 77. An Act respecting the Saugeen Valley Railway Company .....   | 218   |
| 78. An Act respecting the South Norfolk Railway Company .....  | 218   |
| 79. An Act to incorporate the Central Canada Exhibition Association.   | 223   |
| 80. An Act incorporating the Port Arthur Water, Light and Power Company .....  | 231   |
| 81. An Act to enable the Cathedral of the Holy Trinity, of London, to sell certain land .....  | 233   |
| 82. An Act to declare the effect of certain Mortgages and Conveyances made by the Churchwardens of Christ Church, Hamilton.  | 235   |

| CAP.  | PAGE. |
|---|-------|
| 83. An Act to amend the Methodist Church Act, 1884.....   | 237   |
| 84. An Act respecting the Methodist Church at Aurora.....   | 238   |
| 85. An Act respecting the Nicholls Hospital Trust .....   | 239   |
| 86. An Act to enable the Orphans' Home of the city of Ottawa to<br>borrow money .....                     | 240   |
| 87. An Act to amend the Act incorporating the St. Patrick's Asylum,<br>of Ottawa .....                    | 241   |
| 88. An Act to authorize the Trustees of the Toronto General Burying<br>Grounds to sell certain lands..... | 242   |
| 89. An Act relating to the Toronto General Hospital.....  | 243   |
| 90. An Act respecting Trinity Church, Toronto.....  | 246   |
| 91. An Act to amend the Act to incorporate Trinity Medical School.  | 253   |
| 92. An Act to amend the Act incorporating the William Hall, Peter-<br>borough, Protestant Poor Trust..... | 254   |
| 93. An Act to enable Emily Rebecca Winstanley to sell certain lands.                                      | 256   |



# TABLE

## SHEWING

### REVISED STATUTES AMENDED

#### BY ACTS OF 51 VICTORIA.

| Act amended.       | Subject matter.                              | How affected. | Chapter of<br>51 Vict. |
|--------------------|--|---------------|------------------------|
| Rev. Stat. c. 13.. | Executive Council.....                       | Amended....   | 8                      |
| “ c. 51..          | Division Courts.....                         | Amended....   | 10                     |
| “ c. 64..          | Execution Act.....                           | Amended....   | 11                     |
| “ c. 65..          | Creditors Relief Act .....                   | Amended....   | 11                     |
| “ c. 72..          | Police Magistrates.....                      | Amended....   | 12                     |
| “ c. 102..         | Mortgages of Real Estate .....               | Amended....   | 15                     |
| “ c. 104..         | Partition Act.....                           | Amended....   | 16                     |
| “ c. 116..         | Land Titles Act .....                        | Amended....   | 11                     |
| “ c. 125..         | Mortgages and Sales of Personal Property..   | Amended....   | 18                     |
| “ c. 131..         | Solemnization of Marriages.....              | Amended....   | 20                     |
| “ c. 134..         | Married Woman's Real Estate Act .....        | Amended....   | 21                     |
| “ c. 136..         | Insurance for Benefit of Wives and Children. | Amended....   | 22                     |
| “ c. 167..         | Insurance Companies .....                    | Amended....   | 25                     |
| “ c. 172..         | Benevolent, Provident and other Societies..  | Amended....   | 26                     |
| “ c. 175..         | Cemetery Companies .....                     | Amended....   | 27                     |
| “ c. 184..         | Municipal Act .....                          | Amended....   | 28                     |
| “ c. 193..         | Assessment Act.....                          | Amended....   | 29                     |
| “ c. 194..         | Liquor License Act .....                     | Amended....   | 30                     |
| “ c. 220..         | Ditches and Water-courses Act .....          | Amended....   | 35                     |
| “ c. 221..         | Game and Fur-bearing Animals .....           | Amended....   | 36                     |
| “ c. 231..         | University and College Property .....        | Amended....   | 38                     |
| “ c. 234..         | Industrial Schools Act.....                  | Amended....   | 38                     |

# INDEX

## TO

### ACTS OF THE PROVINCE OF ONTARIO.

---

SECOND SESSION, SIXTH LEGISLATURE, 51 VICTORIA, 1888.

---

|  | PAGE. |
|--|-------|
| ACCIDENTS BY FIRE, prevention of. <i>See</i> Fire in hotels and other public buildings.  |       |
| Administration, Letters of. <i>See</i> Ancillary Probates .....                          | 20    |
| Registry Act.....  | 39    |
| Administration of the Laws of, this Province. <i>See</i> Executive Administration .....  | 14    |
| Agriculture and other Industries, Act respecting the Department of.                      | 19    |
| Minister of Agriculture .....  | 19    |
| Duties of .....  | 19    |
| Almonte, Act to authorize the town of, to issue certain debentures..                     | 98    |
| Ancillary Probates and Letters of Administration, Act respecting..                       | 20    |
| Grants of Probates, etc., of English or Colonial Courts, manner of giving effect to..... | 20    |
| Commencement of Act .....  | 20    |
| Arbitration with the Province of Quebec, Act respecting .....                            | 9     |
| Reference of matters in dispute.....   | 9     |
| Arbitrators, powers of.....  | 9     |
| Death, absence or incapacity of, provided for .....                                      | 10    |
| Award to be binding .....  | 9     |
| Time for making.....   | 10    |
| Assessment Amendment Act, 1888 .....   | 70    |
| Commencement of Act .....  | 70    |
| Exhibition buildings, exemption of .....   | 70    |
| Horses, cattle, etc., exemption of .....   | 70    |
| Steam boilers, entry of on roll .....  | 71    |
| Percentage charge on unpaid taxes .....  | 71    |
| Statute labour in unincorporated townships.....  | 71    |
| Penalty for neglect to serve as commissioner .....                                       | 72    |
| Voters, entry of on assessment roll .....  | 72    |
| Taxes in Muskoka and Parry Sound, collection of.....                                     | 73    |
| Assessor, duty of, respecting voters. <i>See</i> Manhood Suffrage .....                  | 12    |
| Asylums for inebriates. <i>See</i> Municipal Amendment Act .....                         | 63    |

|   | PAGE. |
|---|-------|
| BENEVOLENT, Provident, and other Societies, Act to amend the Act respecting .....                   | 55    |
| Berlin and Waterloo, Act to legalize certain By-laws and Debentures of the towns of .....           | 104   |
| Bexley, Act respecting a certain Railway Debenture Debt of the township of .....                    | 109   |
| Bills of sale. <i>See</i> Chattel Mortgages.  |       |
| Bonus by-laws. <i>See</i> Municipal Amendment Act .....   | 62    |
| Bowmanville, Act respecting the town of .....   | 110   |
| Brantford, Act respecting By-law No. 402 of the city of .....                                       | 110   |
| Brockville, Westport and Sault Ste. Marie Railway Company, Act to amend the Act incorporating ..... | 175   |
| Brussels, Act respecting the debt of the village of .....   | 115   |
| Butter. <i>See</i> Cheese and Butter Manufacturing Associations .....                               | 51    |
| Cheese or Butter Manufactories .....  | 78    |
| CANADA SOUTHERN RAILWAY COMPANY. <i>See</i> Grand Trunk Railway Company .....                       | 176   |
| <i>See</i> London and South-Eastern Railway Company .....   | 180   |
| Canada Temperance Act. <i>See</i> Liquor License Act.   |       |
| Cathedral of the Holy Trinity of London, Act to enable to sell certain land .....                   | 233   |
| Cemetery Companies, Act to amend the Act respecting .....   | 55    |
| Central Canada Exhibition Association, Act to incorporate .....                                     | 223   |
| Chattel Mortgages. <i>See</i> Muskoka and Parry Sound .....   | 25    |
| Municipal Amendment Act .....   | 58    |
| Nipissing .....   | 41    |
| Chattels, Act respecting conditional sales of .....   | 41    |
| Conditional sales of manufactured goods .....   | 41    |
| Statement of amount due to be given on request .....  | 42    |
| Address to be given by person requiring statement ..  | 42    |
| Power to redeem chattel .....   | 42    |
| Notice of sale .....  | 42    |
| Household furniture, section 1 not to apply to .....  | 43    |
| Receipt note, filing of .....   | 43    |
| Commencement of Act .....   | 43    |
| Cheese or Butter Manufactories, Act to provide against frauds in the supplying of milk to .....     | 78    |
| Notice as to quality of milk .....  | 78    |
| Penalty for failure to give notice .....  | 78    |
| Evidence .....  | 79    |
| Testing milk .....  | 79    |
| Penalties, application of .....   | 80    |
| Cheese and Butter Manufacturing Associations, Act to provide for the incorporation of .....         | 51    |
| Mode of incorporation .....   | 51    |
| Name, restriction as to .....   | 52    |
| Registration of certificate of incorporation .....  | 52    |
| Shares .....  | 53    |
| Rules .....   | 53    |

|   | PAGE. |
|---|-------|
| Cheese and Butter Manufacturing Associations, etc.— <i>Continued.</i>   |       |
| Mode of voting .....  | 53    |
| Disputes to be referred to arbitration .....  | 53    |
| Liability of shareholders limited .....   | 53    |
| Fees of registrar .....   | 53    |
| Children, insurance for benefit of. <i>See Insurance.</i> .....   | 46    |
| <i>See Neglected Children</i> .....   | 96    |
| Shops .....   | 80    |
| Churchwardens of Christ Church, Hamilton, Act to declare the effect<br>of certain mortgages and conveyances made by ..... | 235   |
| Collegiate Institutes. <i>See High School.</i>  |       |
| Conditional Sales of Chattels. <i>See Chattels.</i>   |       |
| Counties, separation of. <i>See Municipal Amendment Act.</i> .....  | 57    |
| Creameries, Act respecting .....  | 77    |
| Standard for milk .....   | 77    |
| Rules and regulations .....   | 77    |
| Creditors' Relief Act, distribution of property under. <i>See Executions</i>  | 22    |
| DEER. <i>See Game</i> .....   | 90    |
| Ditches and Watercourses Act, Act to amend .....  | 89    |
| Division Court claims filed under Creditors' Relief Act, mode of en-<br>forcing. <i>See Executions</i> .....              | 22    |
| Division Courts' Act, Act to amend .....  | 21    |
| Division Courts. <i>See Municipal Amendment Act.</i> .....  | 57    |
| EAST TORONTO, Act respecting the incorporation of the village of  | 119   |
| Execution, provisions respecting writs of, on separation of counties.<br><i>See Municipal Amendment Act.</i> .....        | 57    |
| Executions, Act to amend the law as to .....  | 21    |
| Distribution of property under sec. 4 of the Creditors Relief<br>Act .....  | 21    |
| Division Court claims filed under Creditors' Relief Act, mode<br>of enforcing .....                                       | 22    |
| Executive Administration of laws of this Province, Act respecting..   | 14    |
| Powers vested in Lieutenant-Governor .....  | 15    |
| Construction of Act .....   | 15    |
| Exemptions. <i>See Assessment Amendment Act</i> .....   | 70    |
| Exhibition buildings, exemption of. <i>See Assessment Amendment Act.</i>  | 70    |
| FIRE IN HOTELS AND OTHER PUBLIC BUILDINGS, Act  |       |
| for the prevention of accidents by .....  | 87    |
| Interpretation .....  | 87    |
| Outside ladders or stairways in hotels .....  | 88    |
| Fire escapes .....  | 88    |
| Notice respecting to be posted up .....   | 89    |
| Penalty .....   | 89    |
| License inspector, duty of to enforce Act .....   | 89    |
| Commencement of Act .....   | 89    |
| Front of Yonge and Front of Escott, Act to provide for the union of<br>the townships of .....                             | 120   |
| Fur-bearing animals. <i>See Game.</i>   |       |



|   |     |
|---|-----|
| GAME AND FUR-BEARING ANIMALS, Act to amend the Act<br>for the protection of .....   | 90  |
| Deer, restrictions as to hunting.....   | 90  |
| Imprisonment in default of payment of fine.....   | 91  |
| Accused person a competent witness.....   | 91  |
| Conviction not to be quashed for want of form .....   | 92  |
| Prosecutions .....  | 92  |
| Grand Trunk Railway Company of Canada, the Canada Southern<br>Railway Company and the London and Port Stanley Railway<br>Company, Act to confirm a certain agreement made between | 176 |
| Grand Trunk Railway Company of Canada. <i>See</i> Lindsay .....   | 122 |
| HIGH SCHOOL PURPOSES, Act to enable Trustees of High<br>Schools or Collegiate Institutes to appropriate land for.....   | 92  |
| Site, selection of restricted.....  | 92  |
| Enlargement of .....  | 92  |
| Arbitration in case of disagreement .....   | 92  |
| Conveyance, who may make.....   | 93  |
| Absent or unknown owners, provision in case of .....  | 94  |
| Compensation, responsibility of trustees as to.....   | 94  |
| Deposit of.....   | 94  |
| Hire receipts. <i>See</i> Chattels .....  | 41  |
| Hotels, prevention of accidents by fire in. <i>See</i> Fire in Hotels.  |     |
| INDUSTRIAL FARMS. <i>See</i> Municipal Amendment Act .....  | 63  |
| Industrial School, committal to. <i>See</i> Neglected Children.....   | 96  |
| Industrial Schools Act, Act to amend .....  | 96  |
| Inebriate Asylums. <i>See</i> Municipal Amendment Act.....  | 63  |
| Insurance, Act to amend the Act to secure to wives and children the<br>benefit of .....   | 46  |
| Insurance Companies, Act to amend the Act respecting .....  | 54  |
| Payment to personal representative.....   | 54  |
| Irondale, Bancroft and Ottawa Railway Company, Act respecting..   | 180 |
| JUVENILE OFFENDERS, trial of. <i>See</i> Neglected Children ....  | 97  |
| LAND, operation of instruments authorizing sale of, and naming<br>commission restricted. <i>See</i> Registry Act .....  | 38  |
| Laws of this Province, administration of. <i>See</i> Executive Administration   | 14  |
| Legislative Assembly. <i>See</i> Manhood Suffrage.  |     |
| Letters of Administration, registration of. <i>See</i> Registry Act .....   | 39  |
| <i>See</i> Ancillary Probates .....   | 20  |
| License Inspectors, duty of. <i>See</i> Fire in Hotels and other Public<br>Buildings .....  | 89  |
| Life Insurance. <i>See</i> Insurance.....   | 46  |
| Lindsay, Act respecting a certain agreement made between the town<br>of, the Midland Railway of Canada and the Grand Trunk Rail-<br>way Company of Canada .....                   | 122 |
| Liquor License Act, 1888 .....  | 73  |
| Commissioners and Inspectors, appointment of where<br>Temperance Acts in force.....   | 73  |

Liquor License Act, 1888.—*Continued.*

|   |     |
|---|-----|
| Expense of enforcing Liquor License Act in municipalities under Temperance Acts .....   | 74  |
| Expenses of license district where C. T. Act is in force in part only of district .....   | 75  |
| License fund where C. T. Act is in force .....  | 75  |
| Consolidated revenue, when portion of expenses may be paid out of .....   | 76  |
| Pending proceedings not affected .....  | 77  |
| London, Act to authorize the corporation of the city of, to sell certain lands known as the Exhibition grounds, and for other purposes  | 126 |
| London and Port Stanley Railway Company. <i>See</i> Grand Trunk Railway Company .....   | 176 |
| London and South Eastern Railway Company and the Canada Southern Railway Company, Act to confirm a certain agreement made between ..... | 180 |
| London West, Act to consolidate certain debts of the village of ....  | 129 |

MANHOOD SUFFRAGE FOR THE LEGISLATIVE ASSEMBLY,

|   |    |
|---|----|
| Act to establish .....  | 10 |
| Short title .....   | 10 |
| Commencement of Act .....   | 10 |
| Property qualification abolished .....                            | 10 |
| Voters, qualification of .....                                    | 10 |
| Temporary absence not to disqualify .....                         | 11 |
| Students at schools or universities .....                         | 11 |
| Disqualifications .....   | 11 |
| Indians .....   | 11 |
| Qualification where there is no assessment roll or voters' list.. | 11 |
| Entry of voter on assessment roll .....                           | 12 |
| Affidavit by assessor .....                                       | 12 |
| Revision of list .....  | 13 |
| List when certified to be used at elections .....                 | 13 |
| Personation, penalty for .....                                    | 13 |
| Affidavit of person claiming to be placed on roll .....           | 14 |
| Manitoulin, Act respecting .....                                  | 30 |
| Temporary Judicial District of Manitoulin .....                   | 30 |
| Coroners, justices of the peace, etc .....                        | 30 |
| Returns of convictions .....                                      | 31 |
| Stipendiary magistrate, appointment of .....                      | 31 |
| District Court and General Sessions .....                         | 31 |
| Division Courts, District Judge may hold .....                    | 31 |
| Stipendiary magistrate empowered to act for District Judge..      | 31 |
| Gaols and lock-ups .....  | 32 |
| Local master of titles .....                                      | 32 |
| Registrar of deeds, security to be furnished by .....             | 32 |
| Transfer of books to be made by registrar of Algoma               | 33 |
| Office of .....   | 33 |
| Deputy clerk, appointment of .....                                | 33 |
| Vacancy in office of .....  | 33 |
| Powers and duties of .....  | 33 |

|   | PAGE. |
|---|-------|
| Manitoulin, Act respecting.— <i>Continued.</i>                              |       |
| Venue and place of trial .....  | 34    |
| Surrogate Court .....   | 34    |
| District Court, vote as to place for holding .....                          | 35    |
| Manitoulin and North Shore Railway Company, Act to incorporate ..           | 185   |
| Manufactures, bonuses in aid of. <i>See</i> Municipal Amendment Act ..      | 62    |
| Markdale, Act to incorporate the village of .....                           | 130   |
| Marriages, Act to amend the Act respecting the solemnization of ...         | 43    |
| Marriages confirmed .....   | 44    |
| Married Woman's Real Estate Act, Act to amend .....                         | 44    |
| Concurrence of husband, orders dispensing with .....                        | 44    |
| Registration of order .....   | 45    |
| Judge's fee for order .....   | 46    |
| Description of property where order written on deed .....                   | 46    |
| Filing papers on application .....  | 46    |
| Rights of married women not affected .....                                  | 46    |
| Married women, maintenance of. <i>See</i> Wives deserted by their husbands. |       |
| Methodist Church Act, 1884, Act to amend .....                              | 237   |
| Methodist Church at Aurora, Act respecting .....                            | 238   |
| Midland Railway of Canada. <i>See</i> Lindsay .....                         | 122   |
| Milk. <i>See</i> Creameries .....   | 77    |
| Cheese or Butter Manufactories.   |       |
| Mortgages, Act to amend the law respecting .....                            | 36    |
| Short title .....   | 36    |
| Payment of principal after default .....                                    | 36    |
| Power of sale .....   | 37    |
| Limit of time for questioning sales .....                                   | 37    |
| Mortgages. <i>See</i> Chattel Mortgages.                                    |       |
| Municipal Amendment Act, 1888 .....   | 56    |
| Commencement of Act .....   | 56    |
| Delivery of books relating to unpaid taxes .....                            | 57    |
| Separation of counties, provisions respecting .....                         | 57    |
| Execution of writs .....  | 57    |
| Continuation of actions .....   | 57    |
| Priority of writs, how preserved .....                                      | 57    |
| Division Courts .....   | 58    |
| Chattel mortgages .....   | 58    |
| Reeves and deputy reeves, certificate of election to be filed by .....      | 58    |
| Councils of villages and townships .....                                    | 59    |
| Qualification, when not affected by alienation of property ..               | 60    |
| Nomination of councillors in towns .....                                    | 60    |
| Assets and liabilities, publication of .....                                | 61    |
| Declarations of office to be made by officers .....                         | 61    |
| Bonuses in aid of manufactures .....  | 62    |
| Industrial farms, local municipalities empowered to hold jointly .....      | 63    |
| Inebriate asylums, establishment of .....                                   | 63    |
| Transient traders, licensing of .....                                       | 64    |

Municipal Amendment Act, 1888.—*Continued.*

|   |     |
|---|-----|
| Sleighs, power to regulate width of .....   | 66  |
| Portable steam engines, regulation of .....   | 66  |
| Rivers and streams, duties of councils as to keeping free<br>from obstruction by drift wood ..... | 67  |
| Railways, aid to by portions of municipalities .....  | 67  |
| Local improvements in townships .....   | 68  |
| Water rights, power to acquire .....  | 69  |
| School sections in townships divided by special Act ....  | 69  |
| Schools in portion of township added to city or town by<br>proclamation .....                     | 69  |
| Muskoka and Parry Sound, Act respecting .....   | 23  |
| Provisional Judicial District of Muskoka and Parry Sound..  | 23  |
| District and Surrogate Courts .....   | 23  |
| Appointments under this Act .....   | 24  |
| Present officers continued .....  | 24  |
| Stipendiary magistrates, powers and duties of .....   | 24  |
| Illness or absence of provided for .....  | 24  |
| <i>Ex-officio</i> justices of the peace .....   | 24  |
| High Court, sittings of .....   | 25  |
| Bills of sale, etc., registration of .....  | 25  |
| Gaols and lock-ups .....  | 25  |
| Application of provisions respecting separation of counties..                                     | 25  |
| Deputy clerk for Muskoka .....  | 26  |
| Vacancy in office of .....  | 26  |
| Powers and duties of .....  | 26  |
| Venue .....   | 27  |
| Surrogate Court .....   | 27  |
| Sheriff of Muskoka, office of .....   | 28  |
| Mileage of sheriff of Parry Sound .....   | 28  |
| District and General Sessions, sittings of .....  | 28  |
| Separation of municipalities from counties .....  | 28  |
| Provisional counties, formation of .....  | 28  |
| Division Courts .....   | 29  |
| Union of unincorporated township with adjacent corporations                                       | 29  |
| Muskoka, collection of taxes in. <i>See</i> Assessment Amendment Act..                            | 73  |
| NEEBING. <i>See</i> Port Arthur .....   | 142 |
| Neglected children, Act for the protection and reformation of .....                               | 96  |
| Interpretation .....  | 96  |
| Jurisdiction .....  | 96  |
| Industrial school, committal to .....   | 96  |
| Industrial or charitable institution, committal to .....  | 97  |
| Notice to parents or guardians .....  | 97  |
| Religion of children .....  | 97  |
| Support, liability of municipality for .....  | 97  |
| Trial of juvenile offenders .....   | 97  |
| Niagara Falls Park. <i>See</i> Queen Victoria Niagara Falls Park.                                 |     |
| Nicholl's Hospital Trust, Act respecting .....  | 239 |
| Nipissing, Act respecting mortgages or sales of chattels in .....                                 | 41  |



|   |          |
|---|----------|
| ORPHANS' HOME OF THE CITY OF OTTAWA, Act to enable to borrow money .....  | 240      |
| Ottawa, Act to extend the limits of the city of, and to re-arrange the wards thereof and for other purposes ..... | 133      |
| Ottawa, Arnprior and Renfrew Railway Company, Act to incorporate .....  | 195      |
| Ottawa and Thousand Island Railway Company, Act to amend the Act incorporating .....                              | 209      |
| PARKDALE, Act respecting the town of .....  | 138      |
| Parry Sound Colonization Railway Company, Act to amend the Act incorporating .....                                | 210      |
| Parry Sound, collection of taxes in. <i>See</i> Assessment Amendment Act. <i>See</i> Muskoka and Parry Sound.     | 73       |
| Partition Act, Act to amend .....   | 38       |
| Unclaimed moneys, disposition of .....  | 38       |
| Perth, Act to enable the corporation of the county of to sell certain lands .....                                 | 140      |
| Peterborough, Act to authorize the corporation of the town of, to issue debentures .....                          | 141      |
| Peterborough and Chemong Lake Railway Company, Act to incorporate .....   | 211      |
| Police magistrates, Act to amend the law respecting the salaries and expenses of .....                            | 22       |
| Port Arthur, Act respecting the town of, and the municipalities of Shuniah and Neebing .....                      | 142      |
| Port Arthur, Duluth and Western Railway Company, Act to further amend the Acts respecting .....                   | 216      |
| Port Arthur Water, Light and Power Company, Act incorporating .....   | 231      |
| Probate. <i>See</i> Ancillary Probates .....  | 20       |
| Provident Societies. <i>See</i> Benevolent, Provident and other Societies..                                       | 55       |
| QUEBEC, arbitration with the Province of. <i>See</i> Arbitration.   |          |
| Queen Victoria Niagara Falls Park, Act to give certain powers to the commissioners of .....                       | 18       |
| St. Catharines, Thorold and Niagara Falls Road, acquisition of.   | 18       |
| Tolls, abolition of authorized .....  | 19       |
| Street railway, power of commissioners to build when tolls abolished .....  | 19       |
| Expropriation, powers of .....  | 19       |
| RAILWAYS:   |          |
| Brockville, Westport and Sault Ste. Marie .....   | 175      |
| Canada Southern .....   | 176, 180 |
| Grand Trunk .....   | 122, 176 |
| Irondale, Bancroft and Ottawa .....   | 180      |
| London and Port Stanley .....   | 176      |
| London and South Eastern .....  | 180      |
| Manitoulin and North Shore .....  | 185      |
| Midland .....   | 122      |
| Ottawa, Arnprior and Renfrew .....  | 195      |
| Ottawa and Thousand Island .....  | 209      |
| Parry Sound Colonization .....  | 210      |

|  | PAGE. |
|--|-------|
| Railways.— <i>Continued.</i>   |       |
| Peterborough and Chemung Lake.....   | 211   |
| Port Arthur, Duluth and Western.....   | 216   |
| St. Catharines, Merritton and Thorold.....   | 217   |
| Saugeen Valley .....   | 218   |
| South Norfolk.....   | 218   |
| Railways, aid to by portions of municipalities. <i>See</i> Municipal Amendment Act .....   | 67    |
| Registrar General, Minister of Agriculture to discharge duties of under Rev. Stat. c. 40.....                                    | 19    |
| Registry Act, Act to amend.....  | 38    |
| Operation of instruments authorizing sale of land and naming commission restricted.....  | 38    |
| Purchase or delivery of goods, affidavits of execution in case of instruments given in respect of.....                           | 39    |
| Fees of registrar .....  | 39    |
| Letters of administration, registration of.....  | 39    |
| Revised Statutes of Ontario, 1887, Act respecting .....  | 8     |
| Statutes declared in force from Dec. 31, 1887.....   | 8     |
| Repeal of Acts in schedule A to Revised Statutes.....  | 8     |
| Judicial construction not adopted.....   | 8     |
| Consolidated rules confirmed.....  | 8     |
| Ridgetown, Act to consolidate the debt of the town of.....   | 155   |
| Rivers and Streams, duties of Councils as to keeping free from obstruction by driftwood. <i>See</i> Municipal Amendment Act .... | 67    |
| Rules of court confirmed. <i>See</i> Revised Statutes .....  | 8     |
| ST. CATHARINES, MERRITTON AND THOROLD STREET RAILWAY COMPANY, Act to amend the Acts respecting....                               | 217   |
| St. Patrick's Asylum of Ottawa, Act to amend the Act incorporating.....  | 241   |
| Sale of land, operation of instruments authorizing and naming commission restricted. <i>See</i> Registry Act .....               | 38    |
| Sandwich, Act defining a portion of the boundary between the Town of, and the Township of Sandwich West.....                     | 160   |
| Saugeen Valley Railway Company, Act respecting.....  | 218   |
| Sault Ste. Marie, Act to legalize a certain by-law of the town of....  | 161   |
| Schools. <i>See</i> High School.....   | 92    |
| Municipal Amendment Act .....  | 69    |
| Industrial schools.....  |       |
| Sentences, power to remit. <i>See</i> Executive Administration .....   | 15    |
| Sheriff, Act to amend the Act respecting the office of.....  | 15    |
| Division of duties between Sheriffs of Toronto and York....  | 15-17 |
| Priority of writs in hands of Sheriff of York, how preserved against property in Toronto .....                                   | 17    |
| Shops, Act to regulate the closing of and the hours of labour therein for children and young persons.....                        | 80    |
| Short title .....  | 80    |
| Interpretation .....   | 80    |
| Hours of closing, power of municipality to regulate .....  | 81    |
| Young persons, hours of employment of restricted.....  | 83    |
| Seats to be provided for female employees .....  | 84    |
| Notice of hours of employment.....   | 84    |

|   | PAGE.  |
|---|--------|
| Shops, Act to regulate the closing of, etc.— <i>Continued</i>   |        |
| Proof of age.....   | 85     |
| Penalties.....  | 84, 85 |
| Prosecutions and procedure.....   | 86     |
| Shuniah. <i>See</i> Port Arthur.....  | 142    |
| Sleighs, power to regulate width of. <i>See</i> Municipal Amendment Act.  | 66     |
| Solemnization of Marriages. <i>See</i> Marriages.....   | 43     |
| South Norfolk Railway Company, Act respecting.....  | 218    |
| Statute labour. <i>See</i> Assessment Amendment Act.....  | 71     |
| Stayner, Act to incorporate the town of.....  | 162    |
| Steam boilers, entry of on assessment roll. <i>See</i> Assessment Amend-<br>ment Act.....   | 71     |
| Steam engines, regulation of. <i>See</i> Municipal Amendment Act....  | 66     |
| Supplies for Civil Government for 1888.....   | 3      |
| TEMPERANCE ACTS. <i>See</i> Liquor License Act.   |        |
| Thorah, Act respecting a certain railway debenture debt of the<br>township of.....  | 165    |
| Toronto. <i>See</i> East Toronto.....   | 119    |
| Toronto General Burying Grounds, Act to authorize the trustees of<br>to sell certain lands.....   | 242    |
| Toronto General Hospital, Act relating to.....  | 243    |
| Transient traders. <i>See</i> Municipal Amendment Act.....  | 64     |
| Trinity Church, Toronto, Act respecting.....  | 246    |
| Trinity Medical School, Act to amend the Act to incorporate.....  | 253    |
| UNIVERSITY OF TORONTO, UNIVERSITY COLLEGE AND<br>UPPER CANADA COLLEGE, Act to amend the Act respect-<br>ing the property and income of..... |        |
| VOTERS. <i>See</i> Assessment Amendment Act.....  | 72     |
| Manhood Suffrage.   |        |
| WALSINGHAM, Act to provide for the division of the township of.   | 166    |
| Waterloo. <i>See</i> Berlin and Waterloo.....   | 104    |
| William Hall, Peterborough Protestant Poor Trust, Act to amend the<br>Act incorporating.....  | 254    |
| Wingham, Act to consolidate the debenture debt of the town of....   | 169    |
| Winstanley, Emily Rebecca, Act to enable to sell certain lands....  | 256    |
| Wives deserted by their husbands, Act respecting the maintenance of.  | 47     |
| Order for weekly payment.....   | 47     |
| Distress in case of non-payment.....  | 47     |
| Variation of order.....   | 48     |
| Adultery, order for payment not to be made when wife guilty of  | 48     |
| Effect of finding as to.....  | 48     |
| Trial to be private.....  | 48     |
| Summons.....  | 48     |
| Forms.....  | 49     |
| Appeal.....   | 49     |
| Wives, insurance for benefit of. <i>See</i> Insurance.....  | 46     |
| Woodstock, Act respecting the floating debt of the town of.....   | 173    |
| Writs, execution and continuation of on separation of counties. <i>See</i><br>Municipal Amendment Act.....                                  | 57     |







BINDING SECT. JUL 14 1967

PLEASE DO NOT REMOVE  
CARDS OR SLIPS FROM THIS POCKET

---

UNIVERSITY OF TORONTO LIBRARY

---





3 1761 11548525 2